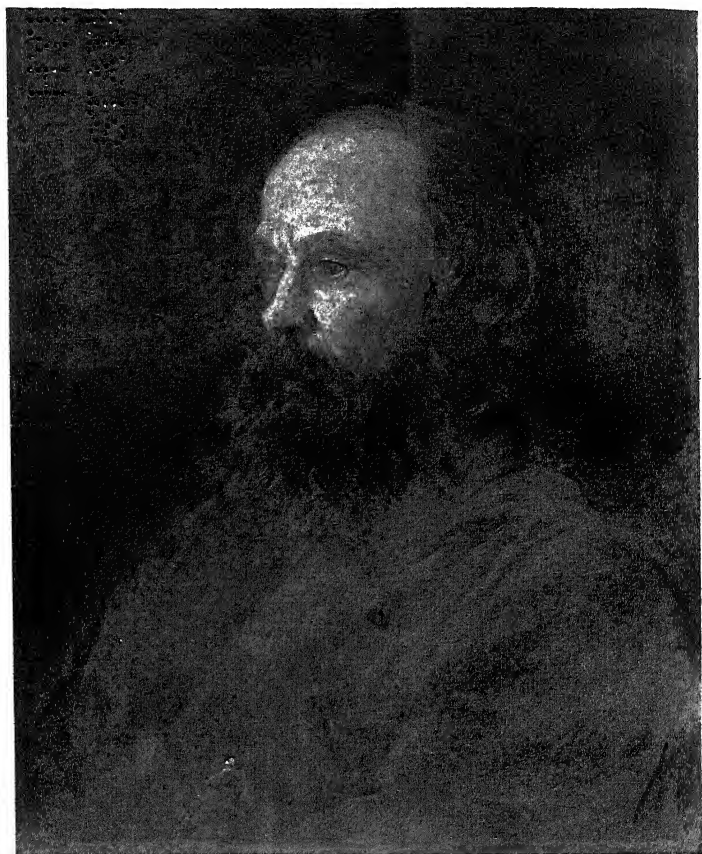


ESSAYS AND MISCELLANEOUS WRITINGS.





# ESSAYS

AND

# MISCELLANEOUS WRITINGS

BY

VERE HENRY,  
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*WITH A BIOGRAPHICAL SKETCH*

~~EDITED BY~~

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# POLITICAL ESSAYS.

## PARLIAMENTARY REFORM.

THAT the people of this country are not duly represented in Parliament appears to be admitted, though with much diversity of meaning, by every party in the State. But in view of the changes which will probably be made in the constitution of the representative body, it is above all things desirable that the real nature of its defects, and their relation to each other, should be distinctly understood, and the ground cleared for legislative action by removing from it the formidable impediments which are due to confusion of thought. For it is certain, notwithstanding perpetual assertions to the contrary, that the national representation is no exception to the general rule which prescribes clearness of apprehension and closeness of reasoning, comprehensive inquiry and systematic treatment, as conditions of success in the solution of social problems; and that, if this question is abandoned to the care of those who deprecate as "mere theory" all attempt at scientific investigation, and consider that there is nothing in common between statesmanship and thought, that which has already followed from such a

course will follow from it again,—piecemeal legislation, confusion worse confounded, and complete if not immediate failure.

The charge against the House of Commons which is chiefly and almost exclusively insisted upon is, that the great majority of the nation has no part actual or nominal in its election. But this is not the only important imputation to which it is liable, nor the first in point of logical order, nor that against which it is most difficult to defend. The first and most serious defect in the House of Commons is that it does not represent even those whom it professes to represent—the enfranchised portion of the community. It is obvious that the ordinary meaning of the terms “representation” and “representative government” is different from their literal meaning. Speaking literally, any nation the ruler or rulers of which are chosen by a considerable number of the citizens may be said to possess representative government. But this is not the ordinary meaning of the term. Representative government, in the sense in which it is commonly understood, and in which only it can claim the superiority usually ascribed to it over other political systems,—representation, considered as an instrument of political liberty,—implies political equality. No member of a community can be said to be “represented” in the technical and usual acceptance of the term, or to possess that liberty which such representation confers, who has not an equal share with each of the rest in the choice of its rulers. That such equality should exist may, or may not, be

desirable ; but no one who is without it is “represented,” or politically free. Political liberty (or, more strictly speaking, that measure of it which is conferred by representation) is the result of political power ; of such a power in the individual as affords security that measures affecting his interests will not be adopted without either his own consent, or the consent of a majority of the whole electoral community. But in order that he may have this power, it is not sufficient that he should be entitled to a share in the election of the governing body. His share in it must be such as cannot be set aside by the superior share possessed by another person. As long as each elector has an equal part with each of the rest in the choice of the representative assembly, no political action can be taken by it without his consent (as expressed by his representative) or the consent of a majority of the electors. But it is otherwise if he has an inferior part in it. In that case the representative assembly may legislate, not only against the will of the elector, but against that of the majority of those who possess the franchise. He is therefore without that political power of which representation is the instrument and political liberty the result ; he is not, properly speaking, “represented” at all. The most that he can be said to possess is an approach to the privilege varying with the degree of the inequality. It cannot be too often or too emphatically repeated, that without political equality there is no real political liberty. It may, or may not, be expedient with a view to the general welfare, which is the only true test of ex-

pediency, that a majority of the citizens should be excluded from political power, or that of those who have it some should have a larger share of it than others; but it must never for a moment be forgotten that to those who are thus placed at a disadvantage is denied the privilege of "representation," and of that political freedom which representation is intended to confer.

Tried, then, by this test, it is evident that the representation which has been accorded to a limited number of persons in this country is far indeed from being of that kind to which the name is generally applied,—of that kind which is essential to "free institutions." Among those to whom the subject is familiar its inequalities are sufficiently notorious; but for the benefit of that numerous class to whom they are known only as "anomalies and irregularities" of no great importance and which it would be a pity to disturb for the sake of theoretic symmetry, it is well that attention should from time to time be drawn to them. A majority, then, of the House of Commons, consisting of 328 members, all of whom (except 11) represent borough constituencies of the smaller class in England (including Wales) and Scotland, is returned by 250,291 electors, or about one-fifth of the whole electoral body; while about the same number of electors (244,459) in the larger boroughs return only 36 members, or about one-eighteenth of the whole House. The last-mentioned numbers of electors have therefore each on the average little more than one-fourth of the political power which they would possess



if the distribution were equal, and only one-ninth of that which is possessed by the former. Thus too the voters in the smaller English and Scotch boroughs, besides overwhelming beyond all possibility of competition the same number of voters in the larger, can (if they please), with the assistance of only 11 constituencies from the rest of the country (making altogether only about one-fifth of the electoral body), completely control the whole legislation and policy of the country. Again, of these smaller boroughs no less than 113 members (or more than one-sixth of the House) are returned by 82, containing only about 49,000 electors, or about one twenty-fourth of the whole electoral community. Each of the 49,000 electors, therefore, has no less than four times his proportionate share of political power. But, further, of these 49,000 voters 11,000, or  $\frac{1}{109}$ th of the whole number in the country (being those of 30 of the smallest boroughs), return no less than 58 members, or about one-eleventh of the whole House. On the other hand (to take, out of many instances of contrast, one or two of the most striking), a constituency containing about the same number of voters (11,330), being no other than the important city of Birmingham, returns only two members. An elector, therefore, in any of these 30 boroughs has more than twenty-nine times as much political power as an elector of Birmingham; who, moreover, has only about one-third of the share which he would have in the representation if the division were equal. As compared with the not less important constituency of Manchester, the case of

these 30 boroughs is still worse. That constituency numbers 20,458 voters, and returns only two members to Parliament; so that a voter in any one of the 30 boroughs has about *fifty-three* times the political power of an elector for Manchester, who has only about one-fifth of his proportionate share. Again, 467,000 voters, being those of the borough constituencies in England and Wales, return 338 members, or more than half the House of Commons; while a somewhat larger number of voters (519,000), being those for the counties of England and Wales, return only 160 members. An elector, therefore, of an English or Welsh borough has more than twice the amount of political power possessed by an elector for an English or Welsh county. Lancashire, with 37,000 electors, returns five members; Durham, with 1,800, returns two. Yorkshire, with 40,345 electors, returns only two members; while about the same number (41,426) in eleven other counties return *twenty-three*: so that the political power of an elector in any of these eleven counties is nearly *twelve times* that of an elector for Yorkshire. Other very decided though less startling inequalities pervade the whole list of county and borough constituencies throughout the United Kingdom.

Those who assert that this distribution of political privilege is the result of deliberation and intention assert that which (to say the least) is not very creditable to its supposed authors, however disinterested may have been their motives. For the only intention of any kind of which it can by any possibility be said

to bear evidence is an intention to deceive ; an intention to impose upon the country an oligarchy under the disguise of a representative government with a high electoral qualification. But, in truth, no such account can reasonably be given of it. So far from being the result of design, it is the result of the failure of design for want of due regard to the future. Short views of national life, and political action looking only to the present, are its real causes. The original idea of the House of Commons—an idea which gained force and distinctness with the advance of civilisation—was that of an assembly really representing the nation ; and, on the whole, it may be said that in the early periods of its existence this idea was roughly and approximately realised. And it might probably have been so to this day, but that the royal power of designating constituencies and the number of their members fell into disuse ; and, no substitute having been provided for it, the mechanism of representative government was brought to a full stop. Among places which, when first enfranchised, were about equal or not very greatly different in point of numerical importance, some (as was to be expected) increased and others fell off in population, while others became almost entirely depopulated. The intention was that the nation should be represented ; the fact came to be that what used to be the nation was represented. Thus while the capacity for political freedom increased, political freedom itself diminished ; and the evil advanced with rapid strides until it received in the Reform Act a check which

from the nature of the case could only be temporary, and the inadequacy of which as a remedy is seen in the figures above cited. To maintain, then, the present apportionment of representatives to electors is not conservatism, but retrogression. It is an attempt, not to oppose the further advance of self-government, but to drive it from ground which it has already won. And the contending parties would more properly be termed not the progressive and the stationary, but the conservative and the retrograde.

The only defence requiring consideration which has ever been set up for the maintenance of this singular arrangement is to the following effect:—That on the whole it “works well;” that with an assembly so elected the three branches of the Legislature have acted harmoniously together; that good laws have been made and well administered, and the affairs of the nation prosperously and satisfactorily conducted; that the very “anomalies and irregularities” which the system involves are important and even essential to the safe, effectual, and beneficial operation of parliamentary government as established in this country; and that to make any material change in constitutional arrangements which have proved in practice so successful would be dangerous and unwise. Expressed in a more logical form the argument is, that whatever may be the imperfection of the present system as a means of conferring representation and consequent political liberty upon those who possess the franchise, it fulfils the object of representation and of political liberty, which is “good government,”

better than an arrangement nearer in that respect to perfection could fulfil it; or at least that there is no such probability to the contrary as renders it expedient to incur the risk of change.

The answer to this argument is easy. It is not even necessary to inquire into the truth of the premises upon which it proceeds;—whether there is really any probability that the change would in a material degree derange the machinery of parliamentary government, or place the affairs of the nation in hands whose administration of them would be such that the nation would be a loser by the transfer; whether, for instance, any real injury to the tone and character of the representative assembly might be expected to result from an increase in the number of members for large constituencies which cannot be bribed as compared with that of members for small constituencies which can; or what is the precise importance of the supposed diminution of stability which Cabinets would undergo on account of the substitution of independent for dependent electoral communities. The case for revision and readjustment is complete, irrespectively of the answer to be given to these questions. Representative institutions, as distinct from other political systems, have two objects in view, one of which is the prevention of misgovernment (it being both probable from the nature of the case and proved by experience that government will be better in which the governed have some voice than in which they have none); but the other and by far the most important object is the prevention of government,

whether good or bad, without the consent of the governed. Political subjection—the submission of the individual to one or more political rulers in whose choice he has no share, or only a share which can be nullified by the superior share of another person—is an evil the same in kind, though never, in modern times among civilised nations, the same in degree, as personal subjection, or slavery;\* and it is obviously no answer to the slave to tell him that he is better off than the free man. The subject may by possibility be “better governed” (in the ordinary sense of the term) under despotism than under free institutions, just as the slave may by possibility be “better off” (in the ordinary sense of the term) than the free man. But slavery is not therefore better than freedom, nor despotism than liberty. There is a conceivable degree of comparative misgovernment, as

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there is a conceivable degree of comparative ~~personal~~ suffering, which, if it could be shown to be attendant on political or on personal freedom respectively, would justify the substitution for it of political subjection or of slavery. For, as we have seen, one of the objects, though by far the least important, of representative institutions is good government, just as one of the objects of laws against slavery is to prevent the ill-treatment of the slave; and if it can be shown in any case that this object will be better attained by other institutions, those institutions are, *pro tanto*, to be preferred. But, as in case of laws against slavery, so in that of representative institutions, the superiority in point of importance of that other object—the possession by the individual of a voice in the regulation of his own affairs—is such that the degree of comparative misgovernment which those institutions would involve must be extremely great to be conclusive as an argument against them. It is true that this consideration is of more force with respect to personal than to political subjection, because the denial to the individual of any voice in the management of his own affairs is in practice more direct and complete in the former than in the latter, and therefore the superiority in point of importance of the object which consists in preventing that denial as an evil in itself is greater when the question is one of personal than when it is one of political subjection. But even when the question is of political subjection, the superiority is great and the argument valid. The value of institutions which secure the individual



against an assumption on the part of persons unauthorised by himself to make laws affecting his person and property, and which preserve for him the vast benefits, moral and intellectual, of self-dependence, is such that even a very important gain as regards the mode in which the nation was governed might well be insufficient to compensate for their loss.

It is therefore of no avail, as against any proposal for an extension or development of the representative principle, to contend that good government is sufficiently provided for at present, and that there is no saying but that government might be worse if that principle received a further application. Before present good government can be admitted as a conclusive reason against such a proposal, it must be shown, not that the government which would follow upon its adoption would be no better and might be worse, but that it would be signally and ruinously worse; that a degree of suffering on the part of the majority of the community would ensue which would overbalance the immense intrinsic advantages of self-government. But this certainly cannot be shown to be the case so far as regards the class which is now nominally represented. To say that the gift of real representation to this class would be attended with such a degree of misgovernment as would not be compensated by its advantages is to say that one million and a quarter out of seven millions of Englishmen cannot safely be entrusted with political liberty. Nor is it probable that the assertion would be made by any thoughtful politician, but for another defect (to be presently

noticed) in the constitution of the House of Commons as intended to represent existing voters, and which is a real, though certainly not an insuperable, objection to the more equal distribution of electoral power. For this, if for no other reason, a simple correction of the evil now under consideration would not satisfactorily meet the necessities of the case. Moreover, a mere temporary redress of the balance, such as might be afforded by transferring seats and by "grouping" or disfranchising boroughs, would be only an imitation of that wisdom of our ancestors of which we now see the result. What is to be desired is an arrangement which by some self-acting process will be capable of adaptation to the constantly-changing numerical relations of local divisions; under which it will be no longer possible that a constituency which now returns an equal number of members with another constituency of equal dimensions will continue to do so when outnumbering it tenfold, and that the nation should consequently be liable about once in every ten years to violent constitutional changes; and which will not, while correcting one evil, fail to correct another of which it may have counterbalanced and neutralised the mischievous operation. It is, therefore, eminently desirable that in any proposed measure of reform the subject should be viewed as a whole. Enough of mischief has already been done by isolated attacks upon the Constitution—by independent and disjointed legislation. It is advisable once for all to inquire whether some comprehensive and satisfactory system

of national representation cannot be discovered, instead of endeavouring from time to time to patch up, when they become too flagrant to be any longer tolerated, the grievances which are caused by the absence of all systems whatever. A scheme of this kind—the result of the highest ability applied to a careful and impartial study of the subject—has been proposed by Mr. Hare, and has had the singular fortune of being unanimously approved both by philosophers and statesmen, and unanimously treated as impracticable by the latter on account of its novelty and supposed complication; as if nothing which is novel, however excellent, had any chance of being adopted in this country, and as if any amount of complexity, the result of regulation, were not preferable to the existing inconsistency, confusion, and injury to the best interests of the nation resulting from the total absence of it. The fact, however, is that the complication, so far as the voter is concerned, has absolutely no existence, the duty devolving upon him being merely that of writing down upon a voting paper the names of as many of the candidates who appear on the general published list as he pleases; while, as regards the returning officers and the registrar-general, the complication is certainly not such as to render their duties either unintelligible or difficult of performance to any person qualified in other respects to discharge them.

The ground-work of Mr. Hare's scheme is the provision that any candidate who could obtain the votes of a number of electors (wheresoever resident) which,

supposing that there were as many constituencies as members and that the constituencies were numerically equal, would be the number of electors in each constituency, should be entitled to be returned. It is obvious that in this manner the evil which is here in question — the unequal apportionment of representatives to electors—would cease, not only for the present but beyond the possibility of recurrence. At the same time (as will presently be seen) the other great defect, which is next in due order of consideration, in the electoral apparatus of this country would be completely removed; while a reality and vitality would be imparted to the representation of which it is impossible to overestimate the advantages. Nor would the local character of the elections be abandoned. The votes would be taken, as now, locally. The candidate would be a candidate for some specified constituency; and the electors, if sufficiently numerous to make up the required number of votes, would have the power they now possess of returning a member interested in the locality in which they reside. It is only by a scheme such as this, or at least by some measure which shall at once lay the foundation and prepare men's minds for the completion by easy and natural transitions of such a scheme, that any satisfactory improvement can be effected in the political condition of this country.

The failure of the House of Commons in the manner which has just been considered to represent even those who are legally qualified to vote is peculiar to itself. Its failure in another respect to represent

them is shared by other existing representative assemblies. Like all legislative bodies which are elected by the system of local majorities, the House of Commons does not represent the electors, but only that portion of them which consists of the aggregate majorities. It is contended, indeed, that the electors whose candidate is defeated, or do not vote because they know that they are in a minority, have no reason to complain, because their opinions are represented by the members for other constituencies in which those opinions prevail. But, in the first place, supposing this to be the case, they are not represented by members whom they themselves, but whom other persons, have chosen. In the next, the statement is only so far true as that, in the existing division of the nation into two great political parties, an elector who wishes to return a particular candidate and is unable to do so in his own electorate, may console himself with the reflection that some person belonging to the same party as that candidate has been returned in another. But there are, or may be, in every constituency electors who, if they had the power, would elect their representative on a totally different ground than that he belonged to the Conservative or to the Liberal party,—as, for instance, because he was an advocate of peace, or of economy, or for reasons entirely independent of his political opinions, and simply because he was a person in whom they could confide, and whose political guidance they would be content to follow. To these electors it is obvious that the argument is

wholly inapplicable. It applies only, so far as it has any force at all, to those whose preference of a candidate is grounded on his adhesion to one of the two principal parties which happen for the time to be struggling for ascendancy. And even to these it would not apply in the event of any considerable reduction of the franchise. The majority in every constituency would in that event consist of manual labourers, whose opinions would therefore prevail, if the present mode of election were to remain unchanged, to the almost total exclusion of the better educated minority.

If, indeed, it had been made for the express purpose of providing that democracy in this country should be entirely "unbalanced," no arrangement could possibly have been better contrived. Under the present restricted suffrage and inequality of representation its injurious operation in this respect is comparatively little felt; and it is this consideration which has been before referred to as constituting a real objection, so far as it goes, to any measure for the removal of that inequality, and as rendering it desirable that such a measure (of which, however, the advantages would in any case greatly exceed the disadvantages) should include a remedy for the evil now under consideration. But, whenever any large increase shall have taken place in the number of those entitled to the franchise, the mischief will be of a far more serious kind. A suffrage either universal or widely-extended is a very different thing under an electoral system which permits the class best qualified for the exercise of political functions to return members whose number is propor-

tionate to its own numerical importance, and under one which permits it to return no members at all. It is not too much to say, that unless this flaw in the electoral machine is first corrected, any proposal for a very large reduction of the franchise will be far less easy to defend. There can be no doubt that the fact which more than any other has brought discredit upon free government as established in the United States, and made that great experiment a partial and questionable instead of a triumphant and universally acknowledged success—the absence of the first intellects in the country from the helm of public affairs—is due to that misapprehension on the part of its founders which prevented them from perceiving that perfect liberty was to be attained, not by the method of local majorities, but by that of personal representation. It is hard upon democracy that the examples of it with which men are familiar should be mere counterfeits, failing, in a manner so injurious to its reputation, to satisfy political needs.

In order that each elector may receive the full benefit of the representation to which he is nominally entitled, it is necessary that he should have a share, equal to that of any other, in the election of the representative assembly, in such a sense as that some member of it should owe his return to the vote of that elector. If there is no member of the assembly for whom the elector has voted, he is not, strictly speaking, represented in it. Hitherto it appears to have been thought that this the true ideal of representation was not in practice attainable ; and that the only

feasible mode of applying the principle was to divide the electoral community into sections, or to take existing local divisions, and assign to each its due number of representatives. Thus, supposing (for the sake of simplicity) the electoral body to consist of 500 persons, and the representative assembly of 10—according to the ideas hitherto prevalent the nearest approach to a just arrangement would be to divide the whole number of electors into sections of 50, each returning one member. In this manner it is evident that perfect representation is very far from being attained; for where (as will usually be the case) there is more than one candidate for each section, the choice of the section is the choice of the majority in it; and the minority, however considerable, have no part in the election of any member of the assembly. It was not generally perceived that by an arrangement perfectly simple in principle but involving some complication of detail, providing that every candidate should be returned who could obtain the votes of any 50 electors (each elector being required to furnish a list of the candidates whom he preferred, in the order of his preference, so that, on the one hand, no vote would be superfluous, and, on the other, any voter would be able to co-operate with any one of the rest for the purpose of making up the necessary quota of 50), the object which is essential to real representation—the actual possession by each elector of an equal share in the nomination of the ruling body—would be either completely or approximately attained. This is, in effect, the scheme of Mr. Hare; and it supplies a complete



and satisfactory solution of the problem to be solved. That which it ensures is not so much the "representation of minorities" (which Mr. Hare very properly declines to accept as a correct designation for the purpose which he has in view) as the wider and more important object of giving to every enfranchised person his due weight in the political scale—of imparting throughout the country a real and practical value to the possession of a vote, a sense of responsibility and a healthy and elevating motive of action to the voter, and a consequent character to the representative assembly far above that which it has hitherto borne. Being no longer restricted to the two or three candidates, perhaps wholly unknown to them, whom party organisation or the local attorney has provided, the electors would have before them the wide field of choice which the general published list would afford, and which would be enriched by the names of men of distinction and ability in every branch of knowledge who would offer themselves with a fair prospect of obtaining the "quota" necessary for election. Numbers of electors who now, for want of a better motive, are induced to use the franchise as a means of obtaining some personal advantage for themselves, would employ it, as it ought to be employed, in giving expression to their political views, or in returning to parliament some person on whose judgment and wisdom they could rely; while every constituency would be represented by a member whom it had unanimously chosen, and no longer as now by a member of whom it may know nothing, and of whose opinions

a considerable number of the individuals composing it may heartily disapprove. It has been already remarked, that the local character of the representation would still in a great measure be preserved; nor is it possible to conceive that any loss would be sustained by the principle of localisation (the value of which, whatever it may hitherto have been, is rapidly receding before facility of intercourse, diffusion of knowledge, and increased political sympathy) sufficient to counterbalance the immense advantages of the scheme. It will be seen from what has been said how utterly inadequate to satisfy the requirements of the case, and of how little remedial value compared with the plan of Mr. Hare are the proposals for the "representation of minorities" by such methods as that which, by assigning three members to each constituency and allowing each elector to vote only for two or only for one of them, or retaining his three votes to give them all to one candidate, would enable a minority not less than one-third of the constituency to return one member. An expedient of this kind, though an improvement so far as it went, would be no more than a very partial remedy for one form of the evil, and would be valuable chiefly as an admission of the true principle and a step to its adoption.\*

Thus far we have been considering in what respects the House of Commons fails to represent those by whom it professes to be elected, and what is the true

\* Some admirable observations upon this branch of the subject will be found in the 7th chapter of Mr. J. S. Mill's work, "Considerations on Representative Government."

nature of the remedy required. We have now to consider the charge which is most frequently and urgently brought against it—that it does not even profess to represent more than a section of the community not much exceeding one-seventh of the whole adult male population; and to inquire whether this limitation is one which it is desirable, wholly or partially, to remove.

It may be stated confidently and at once that there is one portion of the community whose exclusion from the franchise, except in so far as it may be a matter of practical necessity, is unjustifiable, and which consists of all who are equal in point of social position to existing voters; since it must be considered as an established proposition that the enfranchisement of every person who comes up to that particular standard of property and intelligence is possible without any such detriment to the general welfare as to throw doubt upon its expediency. Two classes of persons are now excluded in contravention of this rule. First, those who are excluded by a condition of enfranchisement which neither is nor pretends to be any test of social position—that of residence in one locality rather than in any other. Of whatever importance, as a criterion of social position and therefore as a qualification for the exercise of political functions, may be the possession or occupation of a house of a certain value, the mere place of residence can certainly be of none. There may be some foundation in reason for refusing electoral power to any person because his rent is 6*l.* rather than 10*l.*;—there can be none for refusing it

a considerable number of the individuals composing it may heartily disapprove. It has been already remarked, that the local character of the representation would still in a great measure be preserved ; nor is it possible to conceive that any loss would be sustained by the principle of localisation (the value of which, whatever it may hitherto have been, is rapidly receding before facility of intercourse, diffusion of knowledge, and increased political sympathy) sufficient to counterbalance the immense advantages of the scheme. It will be seen from what has been said how utterly inadequate to satisfy the requirements of the case, and of how little remedial value compared with the plan of Mr. Hare are the proposals for the "representation of minorities" by such methods as that which, by assigning three members to each constituency and allowing each elector to vote only for two or only for one of them, or retaining his three votes to give them all to one candidate, would enable a minority not less than one-third of the constituency to return one member. An expedient of this kind, though an improvement so far as it went, would be no more than a very partial remedy for one form of the evil, and would be valuable chiefly as an admission of the true principle and a step to its adoption.\*

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to him because he resides in Hartlepool rather than in Sunderland,—in Chelsea rather than in Lambeth. There might be some apparent, though there would be no real, justification for this favouritism if the privileged places were of greater numerical importance than the unprivileged; but the fact is notoriously the reverse,—there being many towns with small populations in which an inhabitant otherwise qualified has a vote, while there are many others with large populations in which he has none. The second of the two classes consists of those who are excluded, not simply because they reside in one part of the country rather than in another, but because there is a higher electoral qualification for the place in which they reside than for other places;—of those who are debarred from the suffrage by the regulation, and by that only, which gives the franchise in boroughs to householders paying a rent of not less than £10, and in counties to householders paying a rent of not less than £50. In respect to both these classes of unenfranchised persons the case for an extension of the suffrage is complete and unanswerable.

There remains the important question—whether (assuming that the existing conditions as to age and sex, to which might properly be added the payment in some shape or other of taxes, are expedient, and setting aside exceptional disqualifications) there is any good reason for the denial of political liberty to the rest of the community. The alleged ground of that denial is the danger of misgovernment consequent on their admission,—the argument being that, since the

political liberty which is conferred by representation is valuable only as conducive to good government, any extension of that liberty, the probable result of which would be a loss on the score of good government, would be destructive of its own object. But we have already seen that, while one of the objects of representative institutions is political liberty as a means of good government, the other and far more important object is political liberty in itself;—that as regards any proposal for an extension of the suffrage the question is, not whether it would lead to misgovernment, but whether it would do so in such a degree as to outweigh the intrinsic advantages of the political freedom which it would confer; and that to produce this effect the amount of misgovernment apprehended must, looking to the relative importance of the two objects of representation, not only be considerable, but extremely and disastrously great. It has not been thought necessary in this paper to advance arguments to prove what has been said as to the comparative value of those objects. It is sufficient to observe (as has been observed already) that political subjection is an evil of precisely the same kind as slavery, and in degree by no means so far removed from it, even in modern times, as to prevent the two evils from being justly regarded with the same kind of aversion; and that the sacrifice of material well-being at which it is worth while to purchase emancipation from slavery may assist in forming an estimate as to the cost in point of misgovernment at which it is worth while to purchase political freedom.

In order, then, to arrive at a sound decision upon this question it is necessary that we should inquire in what degree misgovernment might reasonably be apprehended as a consequence of any considerable extension of the franchise. The only ground for anticipating any such consequence at all is, that if the change were made the less numerous of the two great classes into which society is divided would on any disputed question be outvoted by the other. Two distinct evils are expected to follow from this predominance of the more numerous class. The first is, that this class would, in cases where their respective interests appeared to be opposed, legislate with a view to its own supposed advantage, to the immediate detriment of the other class, and to the detriment, immediate or ultimate, of all—in other words, that which is known as “class legislation.” Now it cannot of course be meant that the democratic, as compared with a less popular form of government, must necessarily and in all cases be objectionable on the ground of “class legislation.” Other things equal, class legislation, when the class which legislates consists of six million persons, is a less evil than when it consists of one million. Other things equal, class legislation by the small minority which now predominates in this country would be a greater evil than class legislation by the majority which would predominate under a greatly reduced franchise. But it is said that in this country other things are not equal. The condition of the more numerous class is (it is contended) such as, in estimating the comparative evil of class legislation in

the two cases, to overbalance the consideration of its numerical importance. The measures which for their own supposed advantage they would adopt, if invested with supreme authority, injurious immediately to the other class and injurious ultimately to all, would be greater both in number and in the degree of the injury which they caused, than the measures of the same character adopted by the minority now in power. Being less instructed, they would be more frequently blind to the evils which a course of action apparently beneficial to themselves would sooner or later inflict upon them; being poor they would be more disposed to disregard, even if they saw it, the ultimate injury for the sake of the immediate gain. Thus, though the welfare of the majority is more important than that of the minority, and though, if the interests of either are to be sacrificed to those of the other, it is better (supposing the sacrifice to be in both cases equally great) that they should be those of the minority, yet the evils of class legislation by the former would be greater than those of similar legislation by the latter, because the mischief which it would cause would be more frequent and more severe. The substitution of class legislation by the numerical majority for that which exists under the present system would, in one respect, be a gain to the community. It would be a gain in so far as this—that any immediate benefit which such legislation implies to the dominant class would be received by a greater number of persons than at present. But, on the other hand, the injury which it would inflict upon all would be greater and more



often repeated ; and the loss in this respect would be greater than the gain in the other. Such appears to be the only sense in which " class legislation " can with any reason be adduced as an argument against the proposed change.

The second of the two evils apprehended from such a readjustment of political power is, that many of the measures adopted by the Government with a view to the interests of both classes equally would be of a seriously objectionable character ; first, because the dominant class, being poor, would regard the immediate and pecuniary interest of the two classes rather than their ultimate and higher interest ; and secondly, because, being ignorant, it would, where there was any room for question, frequently form wrong conclusions as to the course which would be most conducive to the general welfare.

There can be no doubt that, as against a general admission of the now unenfranchised classes to the suffrage, these considerations are entitled to much weight ; but there are others, not obvious at first sight, which tend to diminish their cogency. In the first place, the immediate cause of the evils apprehended—the superior power which would be possessed in the legislative assembly by the numerical majority—would exist in a much less degree if (as it is here assumed would be the case) a more rational and equitable system were substituted for that of election by local majorities. If, by the adoption of such a scheme as that proposed by Mr. Hare, the vote of every elector were brought into action and had its due share in the

composition of the governing body, the wealthier and more instructed part of the nation would be represented in proportion to its numbers, instead of being, as it would be if the existing electoral machinery were retained, wholly unrepresented because it was in a minority. Moreover, the members returned by this class, though forming a minority of the House, would derive from their intellectual and moral superiority an influence which would go far to compensate for their inferior numbers. The source, therefore, of the two kinds of misgovernment which are anticipated from the change—class legislation and ill-considered or injudicious political action—would be far less operative than the argument supposes. In the next place, the class legislation which under the new order of things would be substituted for the class legislation now existing would be in one respect the less objectionable, because the less complete and exclusive, of the two, since it would be modified and held in check by the representatives of the least numerous class; whereas the class which is now the least numerous is absolutely unrepresented. Nor must it be forgotten that the popular assembly would represent those whom it is proposed to enfranchise not as they now are, but as they would be if a voice had been conceded to them in the government of the country; and that the mental improvement which they would derive from the exercise of the privilege might possibly be immense, and would certainly be considerable. It is reasonable also to suppose that in ordinary times the members whom they returned would not be mere delegates representing their

extreme opinions, but rather leaders in whom they could trust, and to whose better judgment they were willing to submit. Nor can it be said that, with regard to questions which concerned the common interest, the more numerous class, though comparatively poor and ignorant, would be invariably or even generally on the wrong side. Before this can be asserted, it must be proved beyond possibility of doubt that such questions as those which relate to the privileges of the national Church, to public education, to the foreign policy of the country, and to other subjects of extreme importance, have been rightly decided by the class which has hitherto held sway. In one respect, indeed, the poverty of the majority would be in favour of good government, since it would incline them to insist on a moderate scale of public expenditure, and on an economical conduct of public business, the substitution of which for the wasteful administration shown, especially of late years, to be incidental to a restricted suffrage would be a great and important improvement.

Notwithstanding these qualifying circumstances, it would be unreasonable to deny that, in the absence of experience in a similar case, the concession of manhood suffrage in this country would, looking to the actual condition, material and mental, of a large number of the operative class, be attended with serious risk. There can be no doubt that many of those who are now unenfranchised are poor and uneducated in a lamentable degree, and that the fear that their poverty and ignorance would, through their representatives, very

injuriously affect the legislation and policy of the country is far from being without foundation. For although, as already observed, the superior qualifications of the members returned by the minority would be of powerful countervailing influence, yet where the passions or physical necessities of the majority of the electors were concerned, they would probably use the power which they would undoubtedly possess to give effect to their own views, and would in such exceptional cases send to parliament members pledged to support those views. Communistic laws, and laws more or less directly and unduly affecting the rights of property, and under the head of general legislation and policy, a less strict observance of the obligations contracted by the government towards its own subjects and towards foreign nations, wherever those obligations pressed hardly upon the indigence of the majority, might not unreasonably be apprehended. It is indeed far from improbable that such apprehensions might prove unfounded. Some of the reasons which tend to modify them have already been stated: and we have seen that, in several important respects, measures which would be considered as improvements by many thoughtful and disinterested men would be the probable result of the change. But, on the whole, and prior to any satisfactory experience to the contrary, it may be admitted that the indiscriminate gift of political power would be likely to bring with it a degree of misgovernment more than sufficient to counteract even the great intrinsic value of the political emancipation which it would imply.

But, though this may be admitted when the proposal

is to give a share in the representation to every person of full age and not exceptionally disqualified, the case is very different when what is proposed is only a large but limited extension of the franchise. There is, undoubtedly, a very considerable number of those now unpossessed of votes of whom it may safely be said that the benefit which would be derived not only by themselves but by the community at large from their admission to political power as an advantage in itself would by no means be counterbalanced by any loss which on the score of good government it might entail. There are considerations, as has already been shown, which make it possible, though not probable, that no such equivalent injury would follow the concession even of universal suffrage; and the possibility becomes a certainty when the same reasoning is applied to the case of the better educated and better paid portion of the operative class. It is unquestionable that a very large section of that class is at least as well off, whether as regards their material or mental condition, as were those to whom the franchise was given by the Reform Act. And if this be conceded, the concession amounts to an acknowledgment of the claim of that section to the franchise. For, admitting that there is a certain standard of intelligence and property below which it is dangerous to invest with political power, no one in these days will be disposed to deny (though the imperfection of existing electoral arrangements has prevented the proposition from being thoroughly tested), that the electors under the Reform Act come up to that standard. What are the real limits of that section, and what is the criterion by which the claim of any

individual to belong to it may be most satisfactorily ascertained, are questions on which statistical information is as yet extremely imperfect, and a reply to which would be one of the most important preliminaries to the preparation of a Reform Bill. The proposal of a £6 suffrage (though it might probably be adopted with perfect safety) appears to have been made very much at random, and to be based on no knowledge even approaching to accuracy in regard to the number or the character of those whom it would enfranchise. The problem is to discover what is the best test which will provide for the admission to the franchise of that number of persons, certainly very large, between whose qualifications for it and those of a still more numerous class below them there is a broad line of distinction. That some such line can be drawn there is sufficient reason to assume : but the duty of drawing it, and of deciding as to the best mode of ascertaining for electoral purposes to which side of it any member of the community belongs, has never yet been properly performed.

It has been suggested by Mr. Mill, while admitting the serious dangers which would attend upon universal suffrage, that the case should be met by an arrangement which, while enfranchising all who possessed the simplest rudiments of education, would give a plurality of votes to the more instructed minority, on the ground that, though every person of full age and not exceptionally disqualified ought to have a voice in the management of affairs which concern himself and the rest of the community, he ought not to have an equal

voice in them with another person intellectually his superior. Upon this it is to be observed, that such an arrangement would not confer political liberty upon any one to whom it gave only a single vote. We have seen that no one can properly be said to be politically free whose share in the election of the ruling power can be rendered nugatory by the superior share in it given to another. If therefore this suggestion were acted upon, real political liberty would still be denied not only to those whose admission to the suffrage could not, as we have found reason to fear, be effected without undue risk, but also to those for whose continued exclusion there is (as has been shown) no sufficient ground. It seems obviously better to give the substance of the privilege to those upon whom it may be safely conferred, than to give, in the manner proposed by Mr. Mill, the shadow under the name of the substance to the entire number. As against a graduation of the suffrage with the same object according to the amount of property possessed by the voter, tested by the value of his house or by the payment of rates or in any other manner, precisely similar reasoning applies; but with this addition, that in this country political privilege conferred solely on account of superior wealth is looked upon with peculiar aversion. By the proposed arrangement this cause of offence would be given in a manner direct and undisguised beyond all precedent, and which would ensure for it an unpopularity such as might alone be sufficient to prevent its adoption.

In the foregoing observations an attempt has been

made to indicate the principles and method of proceeding upon which any plan of reform ought to be framed such as would meet the real exigencies of the case otherwise than by a mere temporary concession to unreflecting clamour. What is required is some general, consistent, and comprehensive measure with a threefold object: first, to make representation once for all that which it professes to be, by providing, under arrangements which would adapt themselves to the changes necessarily incidental to the progress of time, for a more equitable apportionment of members to constituencies, and for the enfranchisement of that class of so-called electors who, finding themselves in local minorities, are in reality without the benefits of representation; secondly, to enfranchise, so far as is possible in the absence of a perfect test, all, without exception and wheresoever they may reside, whose condition in life is not below a certain fixed level; and, thirdly, so to fix that level as to admit to the suffrage that large number of persons now unenfranchised whose admission would (as we have seen) be attended by no such probable detriment to the general welfare as to outweigh its advantages. For the attainment of the first of these objects, which is by far the most important, since it is no less than the construction of a sound basis of national representation, but with respect to which there is much of what may be termed mechanical difficulty, a machinery has been provided by Mr. Hare, so admirably adapted, that it may be said to be the natural and proper instrument for the purpose. Public writers and speakers, who



create in some sort the very evil which they assume, are in the habit of affirming that such a scheme will never be listened to by the people of this country. It is difficult to believe that the people of this country will really require that this subject shall always be dealt with by those who govern them without any regard to the rules of political science (which is only another name for common sense applied to politics), contemptuously rejecting every well-considered measure, and giving heed only to those which have thoughtlessness to recommend them. But, if this is indeed the case, and there is really no hope of anything like a systematic and rational reform, any attempt to throw light upon the real nature of the problem will not have been without its use. Something will have been done if, while condemned to work in the worn-out grooves which tradition has laid down, reforming legislators have before their eyes, and avail themselves whenever they can, of the true conditions of the question; if they remember, and act upon the recollection, that it is not by any mere "redistribution of seats" as commonly understood, or concession of the franchise to lodgers, or random depression of the electoral standard, nor by a combination of such expedients, that any statesman-like improvement will have been effected, unless some attempt is at the same time made to substitute reality for fiction, a living and energising presence for little more than the lifeless image of political freedom, and order for the chaos which now bears the inappropriate name of a representative system.

## ON "INTERVENTION," MATERIAL AND MORAL.

IN an ordinary community violence and bloodshed are prevented, and the rights of individuals so far as is possible secured to them, by legal institutions. Laws, and executive arrangements under the sanction of laws, are made for the protection of person and property; tribunals are erected, some for the trial of persons charged with offences against those laws, others for the settlement of disputes and conflicting claims which cannot be amicably arranged; and means are provided to prevent any attempt at a violent solution of such differences. These institutions depend for their efficacy mainly upon their fulfilment of two conditions—first, that the tribunals thus created are impartial, that is, that they are composed of men who have no personal interest in the result of their decisions; and, secondly, that the community has at its disposal such an amount of physical force as precludes all chance of successful resistance to their decrees. If the first condition were wanting, such measures might prevent violence and bloodshed, but they would entirely fail to afford security for just dealing as between the members of the community. If the second condition were

wanting, they would accomplish neither one nor the other of these objects.

In a community composed of nations no such institutions are possible. Tribunals might indeed be established, consisting of one or more states, for the settlement of disputes and claims which did not admit of amicable adjustment, and for the trial of offences against the recognised rights of property or sovereignty resident in each state ; but such tribunals would be inefficacious, because it would be in the power of any nation, unless to an exceptional degree, deficient in physical force, to resist their decisions with more or less probability of success, and because the condition of international relations is such, that in almost every case brought before a state thus armed with judicial authority, its own interests would in some way or other be concerned. Thus the first of the conditions above mentioned—that of impartiality—as well as the second—that of sufficient coercive power—would be absent from such authorities. Regular executive arrangements for the preservation of order and the prompt suppression of violence are for the same reasons impracticable in such a society. Its members may, and do, agree among themselves, tacitly or explicitly, that certain proceedings on the part of one towards another analogous to outrages upon person and property in an individual community are crimes, and if possible, to repress them ; and they may agree, and have agreed, with a view to the general welfare, upon rules for the settlement of certain questions of international equity which experience has shown to be constantly arising in

their dealings with each other whether in peace or war. But even these arrangements, expressed or understood, which are dignified with the name of "international law," and which if enforced without resistance would mitigate only to a small extent the evils consequent on the absence of legal institutions, they have no absolute power to enforce. Any nation may, if it pleases, resist to the utmost the application of such regulations to itself; and even in the event of a combination of powerful states to enforce them, which international jealousies make difficult and rare, an expensive and calamitous war might be necessary for the purpose.

The community of nations, then, is a community in which law, in the ordinary sense of the term,—the sense in which it subsists and is effectual in an ordinary society,—has no existence. The natural consequences of anarchy follow. The military power possessed by each nation being its only means of defence against aggression or insult, and of obtaining that to which it considers itself entitled, or which without any such consideration it is resolved to obtain, blood will from time to time be shed, and acts of injustice will be committed or contemplated, either by means of successful war, or, where there is on the side of those who commit or contemplate them a great superiority of force, without any disturbance of the peace of the world. Is it, then, or is it not, the right or the duty of a nation, besides providing for the defence of its own territory and for the maintenance of its own rights and interests, to interfere by force

with the proceedings of one state towards another or between two parties in the same state, for the purpose either of preventing bloodshed or of securing justice, or for both these objects combined? Such is the question which the more powerful nations are perpetually called upon to solve, but of which, though it has become the battle-ground of conflicting opinions whose watchwords are "intervention" and "non-intervention," very little attempt has yet been made at a scientific solution.

Now it is obvious that there are many cases in which a nation may consider that it has the "right" to intervene, but in which it may be deterred from doing so by the reflection that intervention could only be successful either at the cost to itself of irresistible armaments, or at the cost to itself and to the world at large of actual war. In order therefore to determine whether, in a given state of affairs not requiring action on account of its own rights and interests, a nation ought to intervene, it is necessary to inquire first, whether the case is one in which it might properly intervene supposing that it could do so without expense to itself, and without actual war; and secondly, if so, how far it is justified in intervening, if one or both of these evils must be the consequence of the measure. If the distinction between these two questions had been borne in mind, much confusion of thought and misapprehension on this subject would have been avoided. It is objected, for instance, to the supporters of non-intervention, that they are advancing a "selfish" policy. It is clear, however, that the

objection cannot possibly apply to an advocacy of it which is based upon the ground that a negative answer must be given to the first of these questions. A course which is adopted because the opposite course is unjustifiable is not adopted for selfish reasons. It is only where non-intervention is the result of considerations such as those to which the second question—the question of cost—relates, that any pretext whatever is afforded for imputing selfishness to the policy. How far such an imputation would be well founded we shall presently have occasion to consider.

First, then, what are the cases in which a nation would have a right to intervene, supposing that it could do so without expense to itself, and without having recourse to war? It would seem that, in the general opinion, there is on such a supposition scarcely any limit to that right, at least as between distinct nations. Yet it is certain that in a large class even of international dissensions no such right can exist. The disputes or conflicts in which any two nations may engage, are many of them of a kind in which a third nation not itself concerned in the result, has no sort of qualification for passing judgment, and therefore no right whatever to interpose. In general, it may be said that where the subject-matter of the quarrel is one which, fairly considered, admits of dispute,—where the proceeding which it is proposed to prevent is one of which the criminality or injustice is matter of question,—in other words, where the case is such as, if brought before a legal tribunal, would be decided upon not as presenting no sort of doubt or difficulty, but

only after discussion or deliberation—"intervention" is not justifiable. In such circumstances neither of the two nations concerned can be expected, or ought to be compelled, to accept the decision of a third, which is neither invested by common consent with judicial authority, nor is possessed of any qualities entitling it to decide. The tribunals by which, in an ordinary community, such differences are settled are deliberately selected by the society itself, are supposed to be endowed with information or intelligence peculiarly fitting them for the purpose in view, and are understood to be wholly free from personal interests in the questions submitted to them ; in all of which qualifications (in two of them invariably, and in the third very frequently) an intervening state is deficient. As regards intelligence, not only is there no special qualification, but the dense ignorance which exists in all countries as to the political condition of others, and as to the views, opinions, and modes of thought prevalent in them, and the apparent impossibility which pervades a body-politic of looking at international questions from any point of view but its own, constitute a positive disqualification for judicial power. As regards impartiality, there is, indeed, by the supposition, no such direct interest in the issue as could be supposed to justify intervention ; but the circumstances of the case are almost always such as to ensure a very decided bias in the judgment formed of them in a third country. Considerations as to the manner in which its own trade will be affected, jealousy of the growing wealth and power of other states, historical associations, dynastic

alliances, antipathies of race, and prejudices of education, as well as other causes, operate with nearly absolute certainty, where there is any doubt as to the justice of the case, to preclude impartial judgment. Accordingly, we find that the verdicts pronounced by nations upon the conduct of their neighbours have, in by far the greatest number of such instances, been wrong. "In the large volume of human folly there is no page longer or more discreditable than that which contains the judgments of nations upon each other." \* Even if this were not the case, the enforcement of such judgments would be indefensible, the objection to it being not only that they are frequently or generally wrong, but also that those against whom they are directed cannot fairly be expected to accept them. It may be said that, since the community of nations is one in which law, as ordinarily understood, does not exist, the world must be content with the best substitute that can be found for it, and that it is better that the peace should be preserved by the self-constituted authority of any one or more states, to whatever objection on the score of justice this may be liable, than that it should be perpetually broken for the purpose of deciding questions otherwise insoluble. But this argument proceeds upon a wrong estimate of the comparative value of justice and of peace. It is true that the question at issue is as likely to receive an unjust solution when it is settled by a trial of strength between the disputants, as when it is settled by the fiat of an authority incompetent to decide. But in the former

\* Sir G. C. Lewis, "*Dialogue on the Best Form of Government*."



case the nation which, being in the right, is compelled to yield, has at least had the opportunity of using its best efforts for the satisfaction of its claims, and the chance of successfully asserting them; in the other, it is allowed no voice whatever in the matter. In the one case there is the single injustice of a wrong solution; in the other there is the double injustice of a wrong solution, and of its enforcement by an unqualified authority.

It is, of course, possible to conceive a condition of affairs in which the rule here contended for must be exceptionally disregarded. A war, for instance, carried on with unusual ferocity, protracted beyond all ordinary duration, and of which the termination seemed still distant, might be an instance of the kind; for the necessity of putting an end to such a war might have become paramount to all other considerations. But in order that a particular event may be entitled to such exceptional treatment, it must possess strongly marked features distinguishing it clearly from almost every recorded occurrence of a similar kind.

It appears, then, that there is a large class of international dissensions in which a state not directly interested in their issue could not under any circumstances justifiably interpose. But there is another class of them in which the interposition of such a state would, apart from all consideration of its cost in money and in human life, not only be justifiable but desirable. A clear and unquestionable breach of any of the well-understood and generally recognised rules of international law (including among them the obli-

gation of such treaties or diplomatic compacts as have not been invalidated by subsequent events or by the mere progress of civilisation\*) would be one ground for such interposition. The reasons which we have found to exist against it, where the point at issue was one admitting of doubt and argument on the score of legality or justice, are here inapplicable. Not only a combination of states, but, if that were impossible, any one state, would have the right, on the present hypothesis, to compel obedience to a rule which had been made by all of them for the general good. The want of those attributes (regular constitution, special intelligence, and impartiality) which, as already observed, justify the coercive action of legal authorities, does not in this class of cases, as it did in the former, disqualify a nation from acting as a substitute for such authorities. There being no reasonable doubt that the crime is being committed or is contemplated, and none at all as to the identity of the criminal, there is no question here of misjudgment either owing to ignorance, or to bias arising from personal interest for or against the accused. The defect of self-constitution is the only one of the three from which the intervening authority, if it consisted not of a general congress but only of one or two or a minority of the whole body,

\* Contingencies in which any nation is required by the stipulations of a treaty, either singly or with other countries, to interpose (among which some of the proceedings recently taken by Germany towards Denmark in reference to Schleswig-Holstein must, it would appear, be classed) are not here in question. The intervention considered in this paper is that to which nations are not bound by any special and explicit obligation.

would suffer ; but this must be considered as a defect of little importance when set against the object of the intervention. For the same reasons, the decided and obvious breach of any great principle of international justice sanctioned by the moral sense of mankind, or the violation of any of those axioms of right and wrong which, not falling within any positive rule of international law, are yet fully established and unhesitatingly appealed to by nations in their intercourse with each other, or which, though they may not be accepted by all governments, are so by the majority of educated men, would afford another ground on which intervention might be justifiable. The wholly unprovoked aggression of one state upon another, or the seizure of its territory without anything like a fair or rational excuse for doing so, would be obvious instances of such misconduct. The French occupation of Rome—one of the most lawless acts ever committed by a nation—and the suppression in 1849 by a Russian army of the Hungarian insurrection, are clear examples of it ; for, in whatever cases interference in the civil dissensions of foreign states may be justifiable, it is certain that to assist a government in crushing the liberties of the people over whom it rules is an act of flagrant immorality. The two latter instances are of value as illustrating with singular force the distinction between the two questions now under consideration ; for they are of a kind in which, as regards the part to be taken by this or any other country, the duty of intervention considered apart from the price to be paid for it, and the duty of non-

intervention in the actual state of the case, are equally clear.

Thus far with respect to "intervention" as regards the proceedings of one state towards another. Take next the contingency of a contest between two parties in the same state. It is easy to see that in this case the objections to intervention are far more cogent and comprehensive than when the quarrel is between distinct nations. The general body of states has obviously far less concern with the internal affairs of one of its members than with the proceedings of its members towards one another. The principle which in an ordinary community is fully recognised, that each of the individuals comprising it ought to be allowed to regulate his own concerns as he thinks fit, so long as he abstains from injuring others, holds good also for the community of nations ; and this principle, super-added to the reasons which we have found to exist as against the right of interference in a large class of international transactions, tends to confine that right within the very narrowest limits as regards civil contests. Such interference is, as we have seen, justifiable, even as between distinct nations, only when some universally admitted rule of international law, or some great principle of justice or humanity, has obviously and undeniably been infringed. As between two parties in the same state, international law does not apply ; and, as regards the great principles of justice or humanity, it is obvious that the case is very different when they are contravened by a member of the community, not as against other members of it, but as

against itself. Take the frequent instance of a people rising against tyrannical rulers. On which side justice lies does not admit of a doubt. Yet even in this case foreign intervention cannot be justified, and that for these reasons :—First, That the wrong done is not to any individual of the society of which the interposing state is a member, and as a member of which, and as such only, it has any right to interfere ; and, secondly, because such intervention would violate the salutary rule which, apart from all question whether it is on the right or the wrong side, condemns the interference of one state in the internal concerns of another. The justification of this rule as applicable to the contingency now under consideration is sufficiently evident. For a people which owes its freedom to foreign bayonets, and not to such a sense of the value of the possession as would give it courage and endurance sufficient to ensure the ultimate success of its efforts, will neither enjoy nor preserve it.

It appears then that, except in those rare and extreme cases in which, in political as in other sciences, it is sometimes necessary to set aside established laws, intervention in the civil differences of foreign states is, irrespectively of all question as to the amount of resistance with which it will be met, unjustifiable. The conditions of the question are altered when one of the parties to the contest is of a distinct race, or has preserved a separate nationality, as for instance in the struggle of Belgium with Holland, of Poland with Russia, or of Italy with Austria. In so far as such conflicts are not between a people and its

native rulers, but of a people against the superior power of foreign rulers, they fall within the rules which we have found to be applicable to quarrels between distinct nations. In so far then as they are of this character, whenever the justice of the case is palpably and wholly on one side, so that by the conduct of the opposite party either some universally recognised rule of public law, or some fundamental principle of morality, or some undoubted right incidental to humanity, such as that of a nation to reject the yoke of a foreign government, has been contravened, there can be no doubt that intervention would, on our present supposition that its object could be effected without expense and without war, be both lawful and desirable. But, in each instance, the double category to which such contests belong, and the degree in which they belong to each, must be taken into consideration in any question as to the right of intervention. In the contest, for instance, of Italy with Austria the element of distinct nationality so far predominates as that the case may fairly be considered to come under the rules by which the right of intervention between separate nations is determined ; and, judged by these rules, it is a case in which intervention, on the present hypothesis, might properly be exercised. As regards Poland, on the other hand, and as regards Hungary, the occurrences have in their nature more of insurrection against native rulers than of resistance to a foreign yoke, and in them therefore the right of a foreign state to pass judgment is less clearly assured.

We have hitherto considered the question as one respecting a single state acting by itself. It is evident, however, on looking to the grounds of the conclusions at which we have arrived, that the association with it of one or two other states cannot materially modify those conclusions. And, practically speaking, it is as concerning the action of one, or two, or at most three states, that the question presents itself; the conflicting interests, real or supposed, of nations in general rendering them, amongst other causes, unable in most cases to arrive at, and unwilling to attempt a solution by means of a congress. But in order that the inquiry may be complete, it is necessary to consider whether the case would be altered if the decision were to emanate from such a body. In events of such a character as to fall within the class with respect to which we have found, as between distinct nations, that intervention was justifiable on the part of a single state, it is needless to observe that the interposition of a majority of states would be equally so; while it would be preferable as affording less excuse for that sense of injustice which is sure to be felt by any nation coerced by the authority of one or two others. But would it not also be justifiable in respect to events of that class in which we have seen that the intervention of one or two states, or of a minority of them, would not be so? Those events were, to describe them in general terms, events in which the matter in dispute was one with respect to which two opposite opinions might fairly be held, there being on each side as it is termed a "colourable" case; and the

ground on which it appeared that in such circumstances intervention was indefensible was the absence from the intervening power of three elements of qualification for judicial authority—constitution by the general body, special intelligence, and impartiality. Now of these qualifications, the first, though not literally, may be considered to be virtually possessed by a majority of states. To the second, though the misapprehension which prevails in every nation in regard to the affairs of other nations is such as in a great measure to disqualify even a congress for the purpose under consideration, a majority of states has necessarily more claim than a minority of them. As regards the third, that of impartiality, there seems no more to be said in favour of the former than of the latter; the strong personal interest of most nations in every international difficulty which arises, being as already observed, one of the chief causes which have led to the opinion that a congress is a futile expedient for their solution. On the whole, it may be concluded, as regards differences of this class, that even a majority of the states composing the general community, though less open to objection as an authority pronouncing judgment than one, or two, or a minority of them, would not be free from it; and that coercion by such a body would be a measure of doubtful justice. It is true that power to make laws for the community must be considered to reside in a majority of its members. But it is one thing to make laws, and another to apply them when they are made to particular cases in which the interests of



the administrators are involved. Where the dispute is between two parties in the same state, the reasons which would condemn the intervention of a single state are valid also against that of a congress. In those extreme cases in which only we have found that intervention would be defensible on the part of a single state, it would obviously be more easy to defend, because bearing a greater weight of judicial authority, if it were the act of a congress.

Having thus obtained an answer to the first question—viz., what are the cases in which, its own interests not being concerned, a nation would have the right to intervene supposing that it could do so without expense to itself and without actual war—we proceed to consider the second, viz., how far, in such cases, a nation is justified in intervening if to do so successfully it must either incur the expense of irresistible armaments, or must engage in war, to its own detriment and that of the general community.

Now the proper objects of intervention are (as has been seen) first, to prevent or redress injustice; and, secondly, to prevent or put an end to violence and bloodshed. But there are many cases in which the first of these objects can be attained only by the sacrifice of the second. For it is obvious that, if the nation against which the intervention is directed is powerful and that on whose behalf it is exerted is weak, the intervention, so far from preventing war or shortening its duration, will in all probability ensure and prolong it. Even, therefore, if the question was one affecting the general interest only, it is obvious

that a nation should be cautious in entering upon such a war, and should carefully consider whether the case is one of those in which the sacrifice referred to will be necessary to success, and, if so, whether success is desirable. But the question does not affect the general interest only. It concerns also in an especial degree the interest of the interposing state itself. By the supposition, that state undertakes the task not for its own advantage, but for the sake of justice or of peace—that is, for the general good. By the supposition also it incurs some expense and suffering for that object; and the question is, whether it is called upon to incur or it is justified in incurring them. In the community of nations, owing to the absence of established laws, each nation is charged with the defence of its own territory and the maintenance of its own rights, and is compelled to support for the purpose large and expensive armaments. If it voluntarily goes beyond this, and submits to further expense for the sake of preserving peace or of enforcing justice as between other countries, it does more than can reasonably be required or expected of it. The burden of self-defence is one of the necessary evils which anarchy imposes; the burden of defending others is gratuitous and self-imposed. It is certain that no nation can properly be condemned because it refuses to injure itself for the benefit of the rest of the community. But though the refusal to adopt such a course may not be censurable, would not its adoption be justifiable and commendable? The answer is, that self-sacrifice is commendable only when the object in view bears a

reasonable proportion to the amount of self-inflicted injury. Unless there is a due ratio between the suffering submitted to and the object to be attained, self-sacrifice is not heroism, but Quixotism. But in counting the cost to a nation of any such act of generosity, it must be remembered that the cost falls with very different pressure upon the different classes of which the nation is composed. In almost every country there is a very numerous class of persons many of whom are undergoing the misery of absolute pauperism, and many more, "pressing hard upon the limits of subsistence," and who contrive to obtain the bare necessities of life at the cost of unremitting labour. Now upon this class, comprising as it probably does the great majority of the working classes, any very considerable increase of taxation falls with disastrous and terrible effect. It is indubitable that any measure by which the national expenditure is largely increased makes, especially in this country, to many the difference between bare subsistence and destitution, to many more the difference between tolerable comfort and bare subsistence. It is a fact from which there is no escape. Either in the enhanced price of the commodities which they consume, or, if the additional taxation is so adjusted as to fall in the first instance upon the richer classes, in a reduction of the wages of labour consequent on the diminution of the fund available for its employment, those to whom the option is given of work, the work-house or starvation, will bitterly feel the change; and, before the nation determines to take a step which is

not required of it, and largely to increase its expenditure for the purpose of intervention on behalf of others, it is bound to consider whether it has a right to inflict such an amount of suffering upon its own poor. If the measure were demanded by international justice—that is, by the duty which a state owes to the general community—the case would be different. But no such demand (as we have seen) is made. The question is one not of justice, but of generosity—of self-sacrifice not for imperative duty, but for gratuitous benevolence—an object for which, it may safely be said, no nation has a right to inflict acute misery upon a large part of its population.

From these considerations it seems to follow that any nation in which, as in this country, there is a class of any numerical importance which is habitually on the verge of poverty, ought to abstain from all interference in international transactions not concerning itself which involve any material addition to its fiscal burdens. If, on the other hand, it can intervene with a probability of success and without any such addition to its expenditure, there is no objection on the score of a due regard for its own welfare to intervention; and the self-sacrifice which such an act involved would then be laudable. Such, for instance, might be the case where the nation against which the intervention was directed was greatly inferior in military strength, or where, by obtaining the assistance of other nations, the intervening state could bring against it a great superiority of force. It must be borne in mind, too, that the increase of expenditure objected to is such an increase as would seriously

affect the indigent classes, and that, although every addition to taxation must in some degree affect them, it is only by a very large and decided addition to it that they can be materially injured.

A mere literal fulfilment, however, of the condition here insisted on would not be sufficient. For a nation may be able to take up arms for the purpose of intervention without any addition to its expenditure, simply because it is in the habit of supporting large armaments in order that it may be in a condition to interfere whenever it pleases in the disputes of foreign states. For the due observance of the rule it is necessary that the force to be employed should not be considerably more expensive than that which the nation is compelled to maintain for the defence of its own territory and the protection of its own rights and interests. The maintenance of large armaments with a view to contingencies not affecting the national interests is in itself a violation of the rule. Thus, in order to justify the late intervention of France on behalf of Italy, it ought to be shown not only that she made for the purpose no such addition to her military establishments as added largely to her expenditure, but that those establishments were not habitually more costly than they would have been but for her general practice of interfering in quarrels in which she is not concerned.

It appears, then, that in order to determine whether, in any given transaction of the class in which we have found in reply to the first question that the mere "right" of intervention exists, it ought either singly or with other powers to intervene, a nation has to consider first, with reference to the general interest,

whether its intervention would not occasion an amount of violence and bloodshed such as would be a greater evil than the wrongdoing which it is intended to prevent; and, secondly, with reference to its own interest, whether the proceeding would not involve so great an increase of taxation as would bring serious calamity upon a large number of the people. If these questions can be satisfactorily answered, intervention becomes in every such instance not only a right, but a duty.

The object of the preceding observations has been to arrive at some intelligible and rational rule by which a nation may be guided in any question of armed interposition in international or civil dissensions which do not concern itself. It would seem, indeed, that in this country the difficulty has been summarily solved by the determination to abstain absolutely from all such interference. But as this determination, in so far as it is not the product of mere selfishness, appears to rest on a very vague and indefinite foundation, it can scarcely be expected to be permanent. In the meantime there is another kind of intervention which appears to be tolerated by public opinion, and which, for want of a better term equally concise, may be called "moral intervention;" this is, interposition in the way of censure, protest, or remonstrance. This species of interference is the subject of much controversy. Some persons consider that a nation may properly and laudably exercise it in all instances of conduct on the part of one foreign state towards another, or of one party in the same state towards another party in it, of which that nation disapproves. Others are of opinion

that such interposition ought never to take place unless where the interposing state is prepared to follow up its remonstrances by war. Neither the one nor the other of these opinions seems to be founded in reason. With respect to the first, we have seen that it is only in a certain class of international dissensions, which it was the object of the first of the questions above proposed to define, that any state can properly claim to pass judgment, while in civil dissensions properly so called it has no right to pass judgment at all; and, on the other hand, there seems no reason why it should abstain from expressing its opinion merely on the ground that, from considerations of its own and of the general interest, it would not be justified in a declaration or in a menace of war. The only reasonable ground (as it would seem) on which such an expression of opinion could be considered inexpedient is that it would be useless. But this is certainly far from being the case. The instances in which judgment would be given are those in which some generally admitted rule of public law, or some broad and elementary principle of justice, has been unquestionably violated; and in these there can be no doubt that the influence of public opinion in other countries operates with a highly deterrent effect upon wrongdoers, or that a firm and temperate remonstrance on the part of any influential state may have the best effect, if not in preventing or mitigating the wrong, at least in preventing its recurrence. In evidence of this it is sufficient to point to the French occupation of Rome; in which the wrong done was not only clear to all right-minded persons, but the

wrong done, and the effect of public opinion in ultimately requiring its discontinuance, have recently been admitted by the perpetrator himself. The error so frequently committed by nations is not in protesting where they will not strike, but in protesting where they have no right to protest, that is, in cases not belonging to the category of those in which only they are entitled to pronounce an opinion. Upon the mischievous character of such proceedings there is no need to dwell. If they happen to be based on an erroneous judgment, they are of course directly productive of evil. If not, the nation whose conduct is condemned, firmly believing, and not without some reason, in the justice of its own cause, and at the same time feeling that even if it were in the wrong the dispute is not one on which its censor has a right to decide, rejects them with indignation or with ridicule, and the *entente cordiale* between the two countries is endangered, to the prejudice of the cause of peace ; while, as regards the repetition of the same conduct by the same or any other nation, such remonstrances are wholly without preventive influence.

"Intervention" has here been treated of in that more usual and limited sense of the term in which it does not include either interposition for the purpose of protecting any rights or interests of the interposing state, or any action taken by it on account of the treatment of its own subjects in another. Such transactions fall within the scope of other branches of the general inquiry as to the circumstances under which a nation is justified in making or in threatening war.



## ON MARITIME CAPTURE AND BLOCKADE.

By the Declaration of Paris in 1856 most important changes were (as is well known) made in regard to the trade of belligerents with neutrals or between themselves. Before that Declaration it had been held that the property of an enemy might be captured on the high seas in whatever ships it was conveyed. Thus the ships or goods of an enemy were in all cases and without qualification liable to capture at sea; and his trade with a neutral or with the hostile country was absolutely prevented, so far as it could be prevented by means of maritime capture. Since that Declaration the rule which has been established, as between the States which were parties to it, is as follows. The ships of an enemy are still liable to capture, without qualification, on the high seas; but the goods of an enemy are liable to such capture only in one case, *i.e.* if they are conveyed in enemy's ships. Thus, at one stroke, the trade of a belligerent with neutrals or with the enemy was (so far as liability to capture on the high seas is concerned) set free; the only condition being, that it should be carried on in the ships of neutrals.

It must be carefully borne in mind, however, that the Congress of Paris did not attempt to call in question or to alter the general rule or principle of International Law under which the property of an enemy is liable to capture at sea. That general rule or principle remained unchallenged and untouched. What the Declaration of Paris did, was to establish an exception to the rule ; that exception being, that the goods of an enemy, if carried in the ship of a neutral, should be free. The exception was, it is true, of such a nature as, in practice, to nullify to a great extent the rule ; for its effect, as has just been observed, was no less than to set free (so far as regards voyages upon the high seas) the trade of an enemy, provided only that it was carried on in neutral vessels. But still it was only an exception—an exception which had become practically expedient on account of the increasing power of neutrals, and the difficulties which had long been experienced in the application of the rule to cases in which an enemy's property was carried in the ships of neutral States.

The important change thus introduced respecting the rights of belligerent nations, combined with the terrible effects upon trade of the civil war in America, has brought into prominent notice and discussion the whole question of maritime capture and blockade, with regard to which, though for different reasons, almost every one seems to consider that the law in its present condition is unsatisfactory.

And first, with respect to maritime capture. It is held by some persons that the Declaration of Paris

went too far in the way of concession ; by others, that it did not go far enough.

The former of these opinions there is little need to discuss. It is based upon extreme views as to the rights of belligerents ; and such views, even supposing that they were sound, are so obviously and steadily losing ground with the progress of civilisation that it would be mere waste of time to advocate or oppose them. It is not to be imagined that the maxim, "free ships, free goods," having once been established, will ever, in the face of the progressive development of commerce, and the increasing importance of the concession to neutral nations, be reversed.

By those who hold the opinion that the Declaration of Paris did not go far enough, it is contended that all private property, of whatever kind, on sea as well as on land, ought to be exempt from molestation in time of war, unless its capture or destruction is necessary for military purposes ; and that this principle is already admitted in the established immunity during war of private property on land.

It will be seen from what has been said that the Declaration of Paris did not attempt to deal with the question thus raised. It proceeded upon the assumption that the general rule which subjects to capture the property of an enemy at sea was to remain in force. Whether this rule ought or ought not to be maintained is, however, a question well worthy of consideration. The statement that private property on land is exempt from plunder during war is cer-

tainly true in the sense intended. The commander of a military or naval force would be held justified in seizing or destroying on land the private property of an enemy, so far as such seizure or destruction was necessary for strategic purposes ; but no further. He would not, in the present day, be held justified in destroying or injuring a purely commercial town, nor in plundering on enemy's ground the property of private individuals, nor in seizing enemy's goods *in transitu* by land to some other country unless such a proceeding was directly conducive to some military object.

There is indeed one case, and only one, in which (as it would appear) a belligerent would claim the right to seize the private property of an enemy on land ; and that is when the property is under conveyance to the country of the belligerent itself. There is a traditional rule that with the declaration of war (subject, however, to exception by special licence from the Crown) it becomes unlawful to trade with an enemy : and under this rule the goods of an enemy would (it is presumed) be seized at the frontier custom-houses. In this case, on land as well as at sea, the immunity of private property as a general rule during war may be supposed to be outweighed by the conflicting rule that trade with an enemy is unlawful. This rule, however, has of late been very partially acted upon, and appears to be singularly absurd. It is unfortunately necessary that, in endeavouring to injure an enemy during war, a nation should do much that will more or less injure itself.

But the idea of a rule upon which it is absolutely impossible for a nation to act without inflicting in every instance precisely the same amount of injury upon itself as it inflicts upon the enemy, is simply ridiculous. The blunder had doubtless its origin in the old notion that the export trade of a country is more valuable to it than its import trade. To seize a consignment of French goods bound for an English market causes to England precisely the same loss as it causes to France. Those goods (unless we are to suppose that they are sent to England for the mere chance of a market) are ordered and must be paid for—they may possibly have been already paid for—by an English merchant; and the loss is no more French than it is English. It would be a strange kind of warfare which should be carried on between two countries with the certain knowledge that it could by no possibility in any length of time give any advantage either to one side or to the other.

Is there, then, any valid distinction between private property at sea and private property on land, which would make reasonable the exemption of the former, and the non-exemption of the latter, from plunder during war? So far as the *goods* of an enemy are concerned, it is impossible to discover any such distinction. It has sometimes been contended that the immunity of private property on land is not founded on any general principle of international equity or humanity, but is a matter of military expediency, the disadvantage to the plundering army from the exasperation of the occupants of the country being

greater than the advantage from its plunder. But this assertion, besides being contrary to the facts of the case (for it is certain that no general serving a civilised state could allow his troops to plunder in an enemy's country without being held guilty, not of bad generalship, but of moral delinquency), is obviously inapplicable to the exemption from injury by a naval force of a commercial seaport town. As regards *the ships and their crews*, the case is different. It is argued, and with some reason, that the merchant ships of an enemy with their crews are the "raw material" of his military marine, and that to capture them is directly to cripple his naval power; so directly, at least, as to bring their capture fairly within the category of hostile measures which may be taken against him. This cannot be said of private property or of private persons taken on land. Indirectly, no doubt, to seize the private property of an enemy's subjects on land, or to seize the subjects themselves, though engaged in peaceful occupations, tends to diminish his military power; but it does this so indirectly as to have become in modern times unlawful.

It may be admitted, then, that with respect to the *ships and crews* of an enemy there is at present a not unfair reason for treating them as liable to capture, which reason does not exist in the case of private property on land. It is a reason, however, of which the force has been much diminished by the recent inventions of science, and will be more and more diminished as the difference between a merchant vessel and a vessel of war, both as to construction and as to

the qualities required for its navigation, becomes more and more marked. As regards the *goods* of an enemy being private property, and on the high seas, there is absolutely no such reason. Consistency requires that such goods should be exempt from capture, and that if found on board enemy's ships they should be restored to their owners.

The admission, implied in the immunity accorded to private property on land, of the principle upon which it is proposed to extend that immunity to private property at sea renders it practically unnecessary to discuss the justice or expediency of that principle. But it is to be observed, that there is much stronger reason for exempting an enemy's goods being private property from plunder at sea, as well as on land, when *in transitu*, than for so exempting them in his own country. Such goods, if they are bound for a neutral country, are in a certain sense the property of persons in that country; and to subject them to capture is to that important extent a direct and flagrant interference with the obvious rights of neutrals. It is in fact a denial to neutrals of the power of trading, so far as their imports are concerned, with a belligerent State; and this not for any military purpose, but for the sake of mere injury to the enemy's trade. Such a prohibition is opposed to the plainest dictates of equity. That either of two nations which for any cause, however frivolous, should think fit to go to war with each other, should have power to intercept the trade of the other with countries which are friendly to it, unjustifiable from the first, has become simply in-

tolerable now that commercial intercourse has been freed from most of its trammels, and nations are for the most part dependent upon each other for the comforts and necessities of life. That the Northern States of America, because they happen to have had a quarrel with the Southern States, should have had the power—not incidentally upon the necessary operations of war, but deliberately and directly—to cut off from England supplies necessary to the existence of a great part of her population, is in accordance certainly with international law, but in complete opposition to reason and right.

It appears, then, from what has been said, that the rule of international law which subjects the private property of an enemy to capture at sea, ought to be reversed; but that for the present, at least, an exception to the general immunity might not unjustly be made in the case of an enemy's ships and their crews. Thus the goods of an enemy would be free in whatever ships they were conveyed; while his ships, with their crews, would still remain liable to capture.

As regards the effect of such a change upon the interests of merchants and shipowners: it has been seen that by the Declaration of Paris the trade of belligerents with neutrals has been (so far as maritime capture is concerned) already in practice set free; because, unless carried in enemy's ships, enemy's goods are no longer liable to capture. To the mercantile as distinct from the shipping interest in belligerent or neutral States which have assented to that declaration



the change would therefore be of far less importance than it would have been before the Declaration. It would, nevertheless, be a measure of great importance to that interest, not only as placing at its disposal the mercantile marine of the belligerent State at no other disadvantage, when compared with neutral shipping, than the loss and inconvenience of delay in case the ship were captured, but as establishing on an intelligible and rational basis the freedom of private property from plunder during war. As respects the *shipowners* of a belligerent State, the change would at once remove in great part an objection which has been earnestly pressed on behalf of British shipping to the Declaration of Paris, viz. that in the event of England being engaged in war its effect will be to throw the carrying trade of the country into the hands of neutrals. That objection, which is avowedly based on the interest of one particular industry, is indeed obviously inadmissible as an argument against a measure intended for the advantage of the State as a whole, and of the general community of nations. Nor can it be said that, on the whole, the alteration effected by the Declaration of Paris would be injurious to that industry, unless upon the assumption, the reverse of complimentary to this country, that she may be expected to appear in the character of a belligerent more frequently than in that of a neutral. By the change, however, now proposed, the objection must in a great measure be obviated, since the main object of the complainants—the equal treatment of an enemy's goods, whether conveyed in his own ships or in those

of a neutral—would be attained. There would remain the comparatively small disadvantage, on the side of the ships of a belligerent, of the temporary detention of the enemy's goods which they conveyed.

It would of course be competent to a Congress of States to decide that even the ships of belligerents (with their crews) being private property should form no exception to the general immunity (supposing it to be established) of private property during war. Nor could it be said that such a decision was unreasonable. The utmost that could fairly be objected to it would be that it solved in a liberal sense a question of which there is at present much to be said on both sides, but of which, as has already been observed, modern science seems likely to confirm such a solution. Moreover, the error, if error there were, would be in the interest of humanity and mutual good-will; with this further consideration in its favour, that the exception thus disallowed would be one singularly liable to be used as an argument against the important and beneficent rule with which it would conflict;—an exception which would at once mar the triumph, and endanger the permanence, of the great principle upon which the direct suffering caused by the calamities and horrors of war would be confined to the fleets and armies by which it is carried on.

With respect to blockade, the law, which in principle remained unaltered by the Declaration of Paris, seems in its present condition singularly indefensible.

There is no general rule of international law more

clearly established than this:—that a neutral has the right to trade on his own account with either belligerent during war. Sir R. Phillimore, in his “Commentaries on International Law,” says :

“There is no more unquestionable proposition of International Law than the proposition that neutral states are entitled to carry on, upon their own account, a trade with a belligerent ;”

and whoever will refer to the principal authorities on the subject will find the statement amply confirmed. Great Britain, he goes on to say, has in two or three instances attempted to enforce a contrary doctrine ; but in the first of those instances Great Britain, with her accomplice Holland, afterwards confessed that she was wrong ; and in the other two rested her case, such as it was, upon a highly exceptional state of things, which was held to warrant a temporary departure from that which she admitted to be a general principle of law.

But to this rule there are necessary exceptions ; and one of these is “the right,” as Sir R. Phillimore expresses it, “to prohibit the commerce of the neutral with all besieged *and blockaded* places ; and the duty of the neutral to abstain from all intercourse with them.”\* Now what is the ground on which this exception is justifiable ? Simply the necessity of allowing nations which are at war to carry on against each other military operations, among which is the

\* “Wheaton expresses it as follows : “Another exception to the general freedom of neutral commerce in time of war is to be found in the trade to ports or places besieged or blockaded by one of the belligerent powers.” (Part iv. c. 3.)

siege or investment of ports or places belonging to the enemy. There are military operations in which it is an object to cut off the supply of provisions or munitions of war from the enemy; and these operations, if nations are permitted to make war upon each other at all, they cannot be prevented from conducting, notwithstanding that in so doing they are acting in opposition to the general rule. In other words, the case is one in which the admitted right of neutrals to trade with a belligerent conflicts with and is made inoperative by the admitted right of belligerents to carry on hostile operations against each other. Such being the case, it is surprising that the right of excluding the commerce of neutrals by blockade should have been considered to hold good where the blockade is what is termed "commercial"—that is, where it is established for the express and single object of excluding that commerce, and not for any purpose which can be termed military. To say that neutrals have a right to trade with a belligerent, and at the same time to say that a belligerent may place at the entrance of any port of the enemy an armed force for the sole and ultimate object of preventing neutrals from trading with him, is a mere contradiction in terms. In the case of a military blockade the exclusion of neutral commerce is a secondary object: the ultimate object is to gain a military advantage. The secondary object is inconsistent with the principle of law which prescribes freedom of trade between neutrals and belligerents: but the ultimate object is to do that which, in the interest of all nations, belligerents are authorised to do

during war ; and this last consideration prevails. In the case of a "commercial" blockade the ultimate object is to exclude the trade of neutrals, *i.e.* to do the very thing which the law of nations proclaims to be illegal. There is no conflict in this case of principles or of rights. The thing done is done in simple and direct contravention of a great legal principle, and not in virtue of any other legal principle which conflicts with it. To lay down the general proposition that the trade of neutrals with belligerents is free, and at the same time to legalise "commercial" blockades, is as absurd as it would be to say that a man has no right to take the law into his own hands, but that any man may on any occasion knock another man down. Either, then, the general rule must be reversed, or the exception, so far as it respects "commercial" blockades, must cease. Happily, there seems no sort of probability that the former alternative will be adopted. It is not in that, but in the opposite direction that future changes in the law of nations must be expected to tend. The monstrous doctrine which has been already referred to, that either of two nations which choose to quarrel with each other may intercept the trade of the other with a friendly State, having once been shattered to the extent of allowing neutral goods to be freely conveyed to the enemy, it is not likely that the breach will ever be repaired.

Thus far with respect to "commercial" blockade, considered as excluding the merchandise of neutrals from the ports of the hostile country. Considered as

preventing the egress of enemy's goods, it is open to precisely the same objections as those which have been urged in this paper to the capture of an enemy's goods at sea. It is equally irreconcilable with the recognised immunity of private property on land, and, as giving to any two quarrelsome nations an undue power of injuring third countries, equally opposed to the dictates of common sense and common humanity. And it is open to these objections in a degree by so much the greater, as blockade is a more effective instrument than maritime capture for the suppression of trade.

In so far, again, as commercial blockade operates to prevent the interchange of commodities between the belligerent countries, it is liable to the same objection as that above taken to the legal theory by which such a trade is prohibited. In this effect of it, commercial blockade cannot under any conceivable circumstances be of any possible advantage either to one side or to the other.

A blockade, then, to be, as it is termed, "binding," ought not only (in the words of the Declaration of Paris) to be "effective," but established for military purposes. And it ought to be so, not in any vague or indirect manner, but directly and in the fullest sense part of a strategic plan. That no consideration as to its indirect effect in diminishing the enemy's military power by cutting off from his people their sources of wealth is sufficient to justify blockade, is implied in the very rule which allows neutrals to trade with him. A blockade, to constitute an exception to this rule,

should be clearly shown to have for its object direct military disadvantage to the enemy, or, in other words, direct military advantage to the blockading State. Thus a blockade forming part of a plan of siege or investment, or for the purpose of preventing supplies from reaching a hostile army, or intended to prevent the egress of, or to injure in any manner consistent with the laws of war, an enemy's fleet, would be entitled to observance by neutral States. As to what did or did not constitute a "military" blockade within the meaning of the rule, difficulties would of course arise; but there is no reason to suppose that they would be either greater or more numerous than those which attend the interpretation of many other rules of international law.

The assertion which is frequently made that the abolition of "commercial" blockades would be unfairly disadvantageous to this country as a great maritime power, is open to much discussion. It is surely matter for doubt whether the profit which England would derive from it as a neutral State with the greatest commercial navy in the world would not exceed any loss which it would inflict upon her as a belligerent State with the greatest military navy in the world;—for doubt, which the fearful calamity sustained by her in the former capacity on account of the civil war in America may help to remove. But if the assertion were true, it would be a reason (so far as it went) not for maintaining in its present state the law of maritime capture and blockade, but for abolishing the rules of law with which the right of commercial

blockade is irreconcilable. There is no need to insist on the suggestion that a code of international law which is inconsistent with itself requires alteration. A legal doctrine which declares that neutral trade with a belligerent is free, and at the same time declares that the whole coast of an enemy may be closed against neutral trade with the direct and ultimate object of excluding that trade, is self-condemned. The only possible mode of rectifying the anomaly, except the abolition of "commercial" blockade, is one which (as has been already said) is little likely to be adopted—a step backward to the principles and practice of a barbarous age.



## ON CAPITAL PUNISHMENT FOR MURDER.

THE question whether or not the crime of murder should be punished with death is one of which public opinion has long recognised, and could hardly exaggerate, the importance. But, though felt to be of the deepest interest by all classes of society, and constantly discussed with extreme earnestness, this question can scarcely be said to have received its due share of dispassionate and scientific investigation. The weapons used in the controversy, among which declamation on the one hand and accusations of sentimentalism on the other, hold the most conspicuous place, are numerous and energetically wielded ; but little serious endeavour is made either to test the validity of each argument in itself, or, after collating and comparing them, carefully to consider on which side the preponderance of truth may fairly be held to lie. The following attempt at a less partial treatment of the subject may, even if it should answer no other purpose, be useful as affording a basis for further discussion, and defining more distinctly the real nature of the difficulty to be solved, and the real data which exist for its solution.

In the consideration of this question the most natural method of proceeding, as well as that which

brings under review the arguments on either side in the clearest and most convenient manner, will be to inquire,—what are the reasons which are supposed to render it necessary that death, which, with the approval of the whole community, has ceased to be actually inflicted in this country for any offence except murder, should still be the penalty for that crime ; and whether those reasons are sufficient.

It will be found, then, that the maintenance of capital punishment for murder is defended on three distinct grounds, which may be stated as follows :—

1. Scriptural authority ;
2. Retributive justice ;
3. Superior efficacy.

1. The influence which the appeal to Scriptural authority on this subject has exercised upon the public mind can only be accounted for by that kind of reverence for the sacred writings which is apt to forget that they are to be interpreted with the help of reason and reflection. Assuming that the words of Genesis, “ Whoso sheddeth man’s blood by man shall his blood be shed,” are rightly understood by those who use this argument,\*

\* This assumption, when the doubts which are not unreasonably expressed as to the real meaning of the passage, and the discrepancies in the various translations of it, are considered, must be admitted to be a liberal one. In the Vulgate, the Septuagint, and some other versions, the words “ by man ” are omitted, leaving it uncertain whether an injunction to mankind to punish murder with death is intended, or only a prediction in the nature of a warning that the homicide would die a violent death. Even if the translation which inserts “ by man ” is correct, it is possible, though more difficult, to understand the passage as a prediction rather than a command.

the inference which is drawn from them that the punishment for murder ought in all ages of the world to be death seems wholly unwarrantable. Capital punishment instituted in the Levitical Code for adultery, slave-dealing, assault upon a parent, witchcraft, and other offences, has been abolished without hesitation by modern legislators; and if, therefore, the Levitical Code had been the only portion of Scripture in which the punishment of death for murder had been prescribed, it would of course have been impossible with any consistency to defend the retention of that punishment on the ground of a divine ordinance. Nor is it easy to understand the distinction by which a command given to Moses is supposed to be of transitory, and one addressed to Noah of lasting, obligation. It is held, indeed, that the particular ordinances, as distinct from the moral precepts, of the Levitical Law were, in a special and peculiar manner, abrogated by the Christian dispensation; but if any opinion at all can be formed as to the reason and spirit of that abrogation, it must appear that Christianity, in annulling the penal institutions of the Mosaic æra, annulled also by implication those of the earlier ages of the world.

The inference, however, under consideration is at once seen to be fallacious if it be followed to its logical results. For to maintain that a punishment ordained by divine authority in a particular age is binding upon all ages and under all circumstances is to maintain that it ought to be inflicted even in the very conceivable case of its having become less

effectual for the repression of crime than another punishment would be. It is believed by many persons that in this country a secondary infliction would be more effectual than that of death for the prevention of murder. Yet, according to the doctrine which we are examining, even if this were really the case murder ought still to be punished with death. In other words, of two kinds of punishment, that should be chosen which is at once the most severe and least effectual—a proposition of which (except in the view of those to whom retribution is not only an object, but the main object, of penal legislation) the absurdity is complete. But in truth this reasoning, unanswerable as it seems to be, is only an illustration of the broader ground on which the case against the Scriptural argument may securely rest. Criminal laws, whether human or divine, must be supposed to have been made for the benefit of the human race; and to that object they are unadapted unless they are capable of variation with the varying conditions of social life. To assume, therefore, that the Noachian ordinance, which contains no intimation of its own perpetuity, is binding upon the present generation of men, is to indulge a veneration for the mere letter of Scripture to the disparagement of supreme wisdom and benevolence, and to sacrifice the object and purpose of a divine institution to the institution itself.\*

\* It seemed scarcely necessary to notice in the text the reference which is sometimes made to Romans xiii. 4, as if it were in favour of the present law. A recommendation to Christians as good citizens to obey an established ruler because “he beareth not the sword in vain,” is indeed a slender thread on which to hang an

2. The argument from retributive justice can only be insisted on by those who are unacquainted with the true principles of penal law. That a person who commits murder "ought to be hanged,"—that life should be given for life, and blood for blood,—are the phrases by which this argument is commonly expressed, and by which it is intended to signify that the guilt of the murderer is of such an amount that he *deserves* to be hanged, and that, as he deserves to be hanged, it is the business of the State to hang him. Fortunately, the duty of providing for the expiation of moral guilt is not one which has been entrusted to human tribunals. The proper object of punishment is to prevent the commission of acts which are injurious to society, not the exaction from the offender of an amount of suffering proportionate to his delinquency. The greater indeed is the offence—the more morally heinous the crime—the heavier should be the punishment; but this, not because of two offences the greater *deserves* the more severe penalty, but because the greater the injury which has been done to society the stronger should be the deterrent motive which the law interposes to prevent its recurrence. "If we could

assertion that capital punishment is sanctioned by Scripture. It is impossible by any reasonable rule of interpretation to consider the words "beareth not the sword" as anything but a metaphorical expression for "exercises authority." But even if this were otherwise, and the words were admitted to imply an approval of the possession by the magistrate of the power of life and death, they would still be quite inadequate to the purpose for which they are quoted. They can hardly, for instance, be supposed to show that St. Paul would have approved of capital punishment if its object could be attained by milder means.

consider an offence which has been committed as an isolated fact the like of which could never recur, punishment would be useless:—it would be only adding one evil to another.”\* The infliction of suffering upon criminals is in itself an evil; and supposing that it could be conceived possible to devise a method of deterring from crime which did not involve the infliction of suffering (as, for instance, by punishments which were apparent and not real), the adoption of such a method, so far from being a subject of regret, would be a great and decided social improvement. The object of punishment would be gained, while the chief “expense”† of punishment—the pain to the criminal—would be avoided.

The answer, then, to the argument from retributive justice is that it is irrelevant to the question at issue:—that question being one of criminal legislation, and retribution being an object with which criminal legislation has no concern.

3. The argument from superior efficacy (as it may be termed) is that on which the more thoughtful advocates of capital punishment mainly rely, and the only defence of their position which is really formidable.

The proposition upon which this argument is founded is that capital punishment is more effectual for the repression of murder than any other punishment would be, or, in other words, that its abolition would occasion an increase in that crime.

We have, therefore, in the first place to inquire into the truth of this proposition.

\* Bentham. *Principles of Penal Law*. Part ii. B. i. c. 3.

† Bentham.—*Ib*.

There are persons of violent, self-indulgent, and reckless character to whom death has few terrors compared with the loss of liberty and enjoyment, or with a life of labour and restraint. But, as regards the generality of human beings, the love of life and the fear of death are influences of such immense power that scarcely anything can come into competition with them as motives of action. Speaking generally, there is no doubt that the expectation of death will operate with far more effect to deter from crime than the same degree of expectation of any other punishment such as would be possible in modern times. Nor can it be denied that what is termed by Bentham the "exemplary character" of this punishment when publicly inflicted must on the whole increase its deterrent force. It is true that a public execution has a hardening and corrupting effect upon the minds of the spectators, and also that the legal destruction of human life has a tendency to weaken the sense of its value entertained by the community at large; and the additional predisposition to crime which is occasioned by both these causes must be set off against the preventive power of the public example. But though these causes may modify, they can hardly be supposed to neutralise that power. Men may jest and jeer and blaspheme in the face of the gallows, and appear, when they are massed together, to derive much amusement from the sight before them; but it is a sight nevertheless which they never forget, and which, in a case where temptation to murder

existed, would, supposing that there was a strong probability that the punishment would follow upon the crime, operate with extreme force against its commission. To cite a few instances of persons who have been induced by witnessing an execution to commit murder is only to illustrate that which needs no illustration—the existence of fantastic and morbid idiosyncrasies.

It may be admitted, therefore, that, if both were enforced with equal rigour, the punishment of death would be more efficacious for the prevention of crime than any secondary punishment such as would be tolerated in this country. But it is urged by the advocates of abolition that the expectation held out to the murderer of his actually undergoing this punishment is so small as to take from it a great part if not the whole of its efficacy, or (which is sufficient for the purposes of the argument) so far to diminish its deterrent force that a secondary punishment would be equally or more effectual.\* This is the real meaning of those who insist so strongly on the “uncertainty” of capital punishment as a reason for its discontinuance; and we have now, therefore, to examine

\* There can be no doubt that this was actually the case as regards those minor offences for which capital punishment is now no longer inflicted. The fact, therefore, which is often referred to as if it were conclusive, that this punishment had been abolished as regards such offences without any consequent increase of crime does not in itself afford a valid argument in favour of its abolition in the case of murder. For it will be at once replied that this fact is accounted for by the high degree of probability which was offered to the perpetrators of these offences escaping death—much higher (it will be contended) than that which exists for the murderer.



into the truth of their assertion, and for this purpose to inquire—what is the degree of expectation set before the murderer that he will suffer death, as compared with that of other offenders that they will undergo the particular penal inflictions assigned to their offences? An answer to this question sufficiently approximating to the truth may be obtained from the published official Returns.\* We find that in the six years 1857–1862, 396 persons were committed for trial for murder in England and Wales, and that of these 126 were convicted and sentenced to death, and 76 were executed. Hence it appears that the proportion of committals to convictions for murder is about 3 to 1—that of convictions to executions about 12 to 7—and that of committals to executions about 5 to 1. Comparing with this the prospect of escape from other punishments, we find that in the same six years the total number of persons committed or bailed for offences other than murder was 108,728, and of persons convicted and sentenced for such offences 82,132; while the number of such persons upon whom, though convicted and sentenced, the sentence was not carried into effect, is not stated in the returns, and is certainly so small as to be of no importance in the argument. The total number, therefore, of committals for these last-named offences was to the total number of punishments for them as (speaking approximately) 4 to 3. We have here, then, a proportion between committals and punishments of, in the case of murder, 5 to 1 (*i.e.* 15 to 3), and in the

\* *Judicial Statistics*, presented annually to both Houses of Parliament.

case of other offences of 4 to 3. That is to say : on the part of a person committed for trial the degree of expectation of a secondary punishment is to the degree of expectation of the punishment of death as 15 to 4, or  $3\frac{3}{4}$  to 1.\*

Assuming that the proportions of committals to actual crimes is not materially different in the two cases,† this result may be taken as indicating sufficiently for the present purpose the degree of expectation which is offered to criminals of capital, as compared with secondary, punishment. And this expectation being such as has been shown, it can hardly be doubted that, if the alternative presented to the murderer were absolute impunity, or in other words, supposing that in the actual state of the case by escaping death he escaped punishment altogether, some kind of secondary infliction is possible which would be at least as efficacious as that of death for the prevention of the crime. The increase in the expectations of the punishment would, on that supposition, be so great as in all probability fully to com-

\* It may be said that the comparison would be fairer if it were made as between the case of murder and that of the crime the penalty for which is next in order of severity. If, then, the crime of manslaughter be taken, it will be found that the proportion of committals to sentences (the punishment being, it is presumed, in almost all cases the same as the sentence) is about 2 to 1.

† There seems no sufficient reason to doubt this. The general eagerness, caused by the sense of personal insecurity, to detect a murderer might seem likely to render the proportion of committals to crimes greater in the case of murder than in that of other offences ; but against this is to be set the frequent reluctance not only of those connected with the criminal but of other persons to give evidence or adopt any other measures which may possibly lead to his death.

pensate for its inferior severity. But the actual state of the case is not that supposed. Instances in which murderers escape execution owing to the reluctance of juries and of the Government to enforce the law are indeed extremely frequent. But of those who are reprieved by the Secretary of State a large proportion are punished in some other manner, usually by penal servitude for life. Of those, again, whose lives are preserved by the humanity of juries there are many who are found guilty of manslaughter, and sent to penal servitude for life or of long duration. Those murderers who go altogether unpunished for the most part belong to that class whose crime cannot by any ingenuity be construed into manslaughter, or who can with any pretence of reason be treated as insane. Thus the actual position of a detected murderer, as regards the prospect of punishment, is as follows. There is a possibility, the value of which it has been attempted to estimate, that he will be executed: if he escapes execution, there is a probability that he will be consigned to penal servitude for life: and there is a not inconsiderable chance that his crime may be followed by entire impunity.\*

Such being the nature and amount of the deterrent motive which is now offered by the law as against the crime of murder, the question is whether a secondary punishment is not possible which would supply a de-

\* Which of these contingencies is most probable in each particular case, will, of course, depend in a great measure on the nature of the crime: but it is with the *average* expectation of punishment that we are here concerned.

terrent motive of equal or greater strength. Suppose, for instance, that penal servitude for life, not as at present practically remissible after a certain term of years, but from which under no circumstances or conditions would it be possible to obtain release,\* and increased in severity and impressiveness by various expedients, as for instance by additional seclusion and additional labour, were in future to be the penalty for murder. The consequence would be that murderers who under the present system would be executed, as well as those who are now, owing to the general reluctance to inflict death, sent to penal servitude for life or for a long period, and those who for the same reason escape altogether, would in future be punished with the new and aggravated form of penal servitude. The *loss*, therefore, of deterrent force would consist in the substitution of a milder punishment for that of death as regards those murderers who would now be executed, and who, it has been seen, are comparatively few. The *gain* in the same respect would consist in the increased severity of the suffering which would be undergone by those murderers who are now, from motives of humanity, condemned to penal servitude, and in the extinction of the possibility which from the same cause at present exists of complete impunity. To put the case somewhat differently—instead of a chance of being put to death so small that there is only one execution to five committals, and an expectation either

\* There is no reason to suppose that in the case of murder, as distinct from other crimes, public feeling would oppose any obstacle to the enforcement in this respect of the extreme rigour of the law.

of complete impunity or of a punishment no more severe than that awarded to manslaughter, there would be set before the detected murderer something like a certainty of as heavy a punishment short of death as could be inflicted consistently with the recognised rules of humanity. It seems very questionable, therefore, whether, in point of efficacy, the gain on the side of the new law would not at least counterbalance the loss, or, in other words, far from improbable that its effect might be, if not to diminish, at all events not to increase, crime. This, however, may, it would appear, be confidently looked upon as in the highest degree probable,—that any sacrifice of preventive power which the measure might involve would not be large. Very possibly no increase whatever, or even a diminution, of crime—in all probability no great or alarming increase of it,—would be the result of the change.

It is as a *primâ facie* confirmation, not as a positive proof, of the soundness of this conclusion, that the non-existence of capital punishment in certain foreign countries,\* which is so frequently appealed to by the advocates of abolition, is really valuable. The fact that in those countries capital punishment has either been abolished or never obtained, and that, as it would seem, there is now no idea of resorting to it, proves no more than this: that in them there has been no such increase in the crime of murder as to suggest the expediency of punishing it with death. It does not

\* These countries are (as it would appear) Russia, one or two of the Cantons of Switzerland, and the following States of the Union:—Louisiana, Michigan, Illinois, and Wisconsin.

prove, as it is often hastily assumed to prove, that secondary punishments are there more effectual than that of death for the prevention of murder, or even that they are not in any degree less effectual for that purpose. If the necessary statistics on the subject could be obtained, it might probably be found that in those countries in which capital punishment has been discontinued murders have not become more common since its abolition, and that in those in which it has never existed such crimes are not more frequent in proportion to population than elsewhere. But even if this were proved to be the case, the discovery would not be of such importance to the argument as might at first sight appear. In the first place, such information would be extremely inconclusive as regards any nation by which capital punishment had been so long abolished as that important social changes may have since occurred. In such a case, the fact that murders had even decreased in number since death had ceased to be the penalty for them would afford no satisfactory evidence as to the effect of the abolition, unless it could be shown that the lapse of time had brought with it no such social improvement as would be likely to diminish crime. But, further, however valuable the information might be as a test of the effect of dispensing with capital punishment in any particular country, it would still be inconclusive as regards the present question. For that question relates to the comparative efficacy in *this country* of capital as compared with secondary punishment. But the degree of efficacy of a penal law depends very materially upon the state of public

opinion with regard to it as influencing those upon whom the execution of the law depends. The fact, therefore, that secondary punishment was in one country as effectual as capital punishment to prevent murder would not prove that it would be so in another, unless it could be shown that public feeling on the subject was not materially different in the two countries. It might be found, for instance, that in a particular State of the Union murders had not become more numerous since the disuse of capital punishment. But the reason of this might be that, owing to the condition of public feeling in that State, it was, previous to the abolition, absolutely impossible to enforce the law ;— and it could not therefore logically be inferred that the result would be the same in England where death is, though reluctantly, frequently inflicted. There can, however, be no question but that the absence of capital punishment from the penal code of these states without any marked ill effect upon social security affords an important presumption, though not a conclusive evidence, that the same course might be followed with a similar result by other nations ; and thus far, therefore, it corroborates the conclusion at which we have arrived, in regard to the effect which a change in the law such as that supposed might be expected to produce on the amount of crime in this country.

The result, then, of the inquiry respecting the comparative efficacy of capital punishment being such as has been indicated—and such, therefore, being the value of the objection, on the ground of superior efficacy, taken to its abolition—it becomes matter for

serious question whether that objection is not more than counterbalanced by the peculiar evils which, apart from all consideration of its effect upon crime, are incidental to this mode of punishment.

It is necessary, therefore, to consider, in the next place, what is the nature and extent of those evils.

α. While all punishment is in itself an evil,\* that which consists in the destruction of human life appears to be an evil distinct in kind as well as paramount in degree. It is not only the most severe of all modern punishments; it is also totally different in its nature from the rest. To deprive a man of liberty or of property, or to inflict upon him physical suffering in whatever form, is one thing—to put an end to his life is quite another. The assertion that society has no right under any circumstances to take human life is an assertion which, if it were true, would of course be at once decisive of the question at issue, and the unsoundness of which is a postulate upon which our whole argument proceeds. But the very existence of such an opinion is an evidence of the totally distinct character of the injury involved in this mode of punishment. Moral instinct and religious precept alike proclaim that a man's life is his own in another and more sacred sense than anything else which he possesses. The very horror of murder which so largely contributes to the maintenance of capital punishment is an evidence that such an instinct exists; and those who would deny its existence and repudiate its obligation cannot advocate the continuance of the punish-

\* See *ante*, p. 80.



ment on account of the enormity of the offence. They must either admit the pre-eminent and peculiar importance of human life, or they must modify their estimate of the murderer. They may profess to see no fearfulness in the penalty, but they cannot at the same time enlarge upon that of the crime.

The doctrine of the sacredness of human life may not be proof against casuistry, but it is one which has advanced *pari passu* with the progress of mankind from barbarism to civilisation, and which has received special sanction and illustration from the Christian religion. Whether or not it be necessary to hang for murder, it would be an evil day for a nation when the necessity should have come to be considered as other than a terrible one. Fortunately we are as yet in no danger of such a retrogression ; and however inconclusive the objection to capital punishment here insisted on may appear to be, its reality and importance would probably be admitted by a very large proportion of enlightened public opinion in this country.

b. Capital punishment differs from all others in that it is absolutely irremissible and irreparable. It is an evil attending upon all penal inflictions that though there may be a strong probability there can be no perfect security that they will fall only upon the guilty. But in the case of a person undergoing a secondary punishment and discovered to be innocent the sentence may be so far at least reversed as that the penal process, if incomplete, may be discontinued ; and there is also the possibility of making compen-

sation for that part of it which has already been suffered. Where the punishment is death, not only is the injury which has been inflicted far greater, but it is one that can neither be diminished nor repaired. The appalling injustice unintentionally committed of destroying an innocent person admits neither of retraction nor redress. If the administrators of the law were exempt from liability to error, the power to cause the death of a rational being would be a power which they might well shrink from exercising; in a fallible tribunal the awfulness of the capacity to take human life is increased a hundredfold by the inability to restore it.

It will probably be contended that this objection to capital punishment has ceased to be of any practical importance, since, in the present state of public feeling on the subject, there is a moral certainty that none but those who are really guilty will be executed. Unfortunately this position cannot be sustained. It is true that, owing to the reluctance which exists to enforce the law, very convincing testimony is generally required before the guilt of the accused is considered as substantiated. But the evidence on which convictions for murder are founded is, from the necessity of the case, ordinarily of that kind which is termed "circumstantial," or, in other words, it is such as to imply an appreciable, indeed a not inconsiderable, possibility that the convict may be innocent. Ocular evidence—the concurrent testimony of two or more witnesses of the criminal act—is conclusive in the first, "circumstantial evidence" only in the second

degree. In a late trial for murder the Lord Chief Baron instructed the jury that the possibility that the most important circumstances adduced against the prisoner might be explained in a manner compatible with the supposition of his innocence was not sufficient to justify an acquittal, and that they must decide the case upon "that degree of conviction, that firm persuasion upon which people would act in their own important concerns." It is obvious that this rule of law allows of a small but decided margin for the contingency of a mistaken verdict. The firm persuasion upon which people act in their own important concerns occasionally turns out to have been erroneous. The reluctance of juries to convict will indeed lead them to give to this rule a construction as favourable as it will bear to the interests of the prisoner; but it is nevertheless the rule upon which, as directed from the Bench, they act in most instances with more or less rigour; and it is evident that in every trial for murder a possibility thus arises of the sacrifice of innocent life which is far from being so small as to be unworthy of consideration, and which, when occurring in a sufficiently large number of cases, must become a certainty. There is no need to inquire into the reality of the instances actually cited of these fatal and fearful mistakes. It is but too certain not only that they have been, but that they will continue to be, so long as capital punishment endures, rarely indeed yet from time to time committed.

c. The existence of a criminal law, on a subject of the utmost social importance, which is enforced in

comparatively few instances and in the rest is deliberately dispensed with by those who are responsible for its execution, is in itself a great and obvious evil. That crimes to which the law has assigned the character of murder should either be left unpunished or treated as manslaughter by the established tribunals, or that when the verdict has been murder, and the sentence death, the culprit should again and again be dealt with by the Executive as if the verdict had been homicide and the sentence penal servitude, is a signal defect in our penal system, and in violent contradiction to the spirit of our institutions. Not only do absolute acquittals, in the face of evidence which would be quite sufficient to ensure a conviction for any offence except that of murder, frequently occur, but it is only where the crime is such as that by no possibility could it be looked upon as manslaughter that juries can (speaking generally) be induced to convict. In cases where there is any pretence whatever for a verdict of manslaughter such a verdict is almost sure to be delivered, however clearly it may appear on the ordinary principles of evidence that the crime is murder in the sight of the law. Where, again, the accused has been convicted and sentenced to death it has been shown that the chances are 5 to 7 that the sentence will be commuted on the advice of the Secretary of State. Thus the practice in this country really is, not to punish with death criminals who are murderers in the sight of the law, but to select a few of such criminals for execution ; and the fate of a murderer depends not on any fixed

rule of penal legislation, but on the idiosyncrasy of a jury or of a Minister of the Crown. It is true that no murderer is executed unless he has been convicted and sentenced according to law, and that the security of society is so far regarded as that those who suffer are commonly the worst offenders ; but it is also true, that the majority of murderers who escape with life are, in the view of the law, equally criminal with the minority who are executed. The injustice of such a system is sufficiently evident. The justification for executing a murderer is, not that he is worse than other murderers, but that he has committed an offence to which the law awards the penalty of death ; and if, in the estimate of the law, his crime is the same as that of others, that he should suffer while they escape is a palpable and grievous wrong. He has every right to claim the same immunity as is extended to those who are, legally speaking, no less guilty than himself. The truth of this, as a general proposition, is in no way incompatible with the exercise by the Executive Government of a dispensing power which is in its true spirit and essence of exceptional application. That, owing to the general aversion to capital punishment, this power should have been so far distorted from its proper character as to have become an instrument by which the law is habitually rendered nugatory, is the worst part of the evil here insisted on. The grounds, however inadequate, upon which a jury in the face of the clearest evidence refuses to convict a murderer are, at least, publicly known, and they usually imply that his crime has not been among the very worst of its class :—the tribunal

by which the question of life or death is ultimately decided is secret and irresponsible, and affords no means of judging whether its decisions have been founded on any just estimate of comparative criminality. This last consideration has, indeed, forced itself of late in a very marked manner upon the public mind, and appears likely to be the cause of continually increasing uneasiness and mistrust.

*d.* That a punishment should be variable, *i.e.* that it should be capable of mitigation or increase according to the varying degrees of guilt in the particular class of offences to which it is applied, is one of the most elementary maxims of criminal jurisprudence. Capital punishment, and that alone, directly violates this rule. In theory, the half-distracted girl who to save herself from shame and her infant from starvation secretly destroys it, and the ruffian who has been in the habit of poisoning any relations and friends who might happen to stand in the way of his selfish schemes, are confounded in one and the same fatal doom. In practice, this system is rendered less glaringly vicious by that process of evasion the objections to which have just been noticed, and under which the least criminal of those who are guilty of murder usually escape death, and are punished as for other crimes. But this mode of proceeding, objectionable as it is on other grounds, is only an imperfect remedy for the evil under consideration. The murders for which juries are willing to convict and the Secretary of State to confirm the sentence are still so various in point of moral guilt that to punish them all in the same degree

is inconsistent with any intelligible notion of justice. For the destruction of life in a fit of uncontrollable passion, or from revenge for a flagrant wrong, the same tremendous penalty is exacted as for a deliberate, cold-blooded assassination for the sake of gain—as for the calculating murder of a husband or a wife, a parent or a friend. Whether or not this is a necessary evil is not here the question. It is certainly a serious one, and it is also one which would cease to exist if a secondary punishment were substituted for that of death. Penal servitude, without hope of escape as long as life should last, would probably be the penalty which in the event of such substitution would be assigned to every crime which was murder before the law ; but the incidents of such a punishment, as for example the amount of solitary confinement or of severe labour to be undergone, might easily be varied so as to correspond with different degrees of guilt, and without risk of obliterating the broad mark of demarcation which would still separate the fate of the murderer from that of all other offenders.

*e.* To the criminal who undergoes a secondary punishment time is allowed in which to reflect upon and arrive at a right estimate of his offence, and to show, as far as is possible, by his conduct that he has done so. To the murderer—the worst of criminals—no such opportunity is afforded. The hours which intervene between the dock and the gallows are marked by feverish alternations of hope and despair. Remorse may find a place in many such intervals—penitence in few. The crime which by society and by the law is

considered the gravest of all is also that of which the perpetrator is denied any chance but the faintest of that genuine repentance which, except in rare instances, implies the full possession of the faculties, and without time for thought and scope for action can seldom be attained. The necessity must indeed be serious and urgent which can warrant such a deprivation. The "expense"\* of a punishment which makes reformation impossible is, it must be admitted, formidable in the extreme.

*f.* It is not likely that in England executions will ever take place otherwise than in public. It seems more probable indeed, so far as this country is concerned, that capital punishment will be discontinued altogether than that it will ever be inflicted except in the full face of day. There is that in our national character to which secret executions are peculiarly abhorrent; and as it does not appear that there is any such very decisive preponderance of sound argument in their favour as might be expected gradually to overcome a popular prejudice, it cannot reasonably be anticipated that they will ever find a place in our penal system.

Such being the case, we are entitled, in an inquiry which relates to the criminal legislation of this country, to treat the publicity of executions as a necessary incident of capital punishment. And this publicity, while on the whole (as has been before observed) it must be considered as adding to the deterrent power of the infliction, adds also enormously to the amount



of objection which may be offered to it. It may well be doubted whether any right-minded man, unless actuated by some notion of social duty, would ever attend these exhibitions. By far the greater number of those who witness them do so for the purpose of gratifying some kind of vicious inclination ; and it is needless therefore to say that they are those who occupy the lowest place in the moral scale. The least objectionable of these propensities is a morbid appetite for that sort of excitement which proceeds from a contemplation of the painful and the horrible. The desire of vengeance—the thirst for blood—the delight in human suffering—the mere abstract love of evil—are among the other inducements which bring men, women, and children from their beds to shiver for hours at the foot of the gallows. It is not necessary here to describe scenes which have been so often dwelt upon, and of the character of which there can be but one opinion. The outrage upon society—the opportunity and incitement which are given to the most degraded characters to insult and domineer over the sense of decency and right in the better portion of the community—are not the worst of the mischiefs which they involve. Compassion for the criminal combined with detestation of his crime ;—grief, not unmixed with horror, at the stern necessity of taking from him that which man can neither give nor restore—the mysterious and sacred gift of life ;—a quiet and serious demeanour ;—sorrowful, anxious, and reverent thoughts :—these should be the accompaniments of an execution. Execration and derision ;—oaths, taunts, jeers, and sarcasms,

levelled indiscriminately at the culprit, the hangman, the clergyman, and the ghastly apparatus of death ;—blasphemy, ribaldry, cruel exultation, impious mockery, drunken and hideous revelry ;—these are its actual retinue. It is not easy to over-estimate the amount of demoralisation which must ensue from such an event so treated. The behaviour of the assembled multitude is not only frightful in itself ; it is precisely the opposite of that which reason and morality prescribe for the occasion ; and thus a double offence is committed by, and a double moral injury done to, the spectators. It is needless, however, further to enlarge upon this part of the subject. An evil which in the United States has led to the adoption of a system so repugnant to the spirit of free institutions as that of private execution, and which in this country caused the appointment of a committee of the House of Lords to consider the expediency of a similar course, cannot be said to be unrecognised, or to be treated as of less than great and primary importance.

Such appear to be the principal objections to which the punishment of death, considered without reference to the question of its efficacy, is liable, and from which secondary punishments are free.

It does not appear that these objections are to a material or even appreciable extent counterbalanced by any advantage exclusively belonging to that punishment so considered.\* According to a common opinion,

\* The advantage ascribed to Capital Punishment on the ground that it absolutely prevents a repetition by the criminal of the crime for which he suffers could only exist if (as is sometimes asserted)

one such advantage is that death, whatever positive suffering it may cause to the murderer, is relatively speaking, no injury at all to him, since the alternative, life, would be intolerable from the effect of a remorseful conscience. It is to be observed, however, that, speaking generally, a very different view of the case is taken by the criminal himself. Condemned murderers may indeed occasionally be found upon whose consciences their crime sits so heavily that the prospect of death is more or less welcome to them. But, in general, such persons exhibit an intense and eager desire to preserve their lives which could not easily be surpassed. Moreover, experience seems to prove that in a minority of cases only can it be said that remorse is so intolerable as to make life a heavier penalty than death. There is no reason to suppose, so far as most criminals are concerned, that an existence passed in penal servitude, however painful and irksome it may be, is free from all sources of consolation, or so unendurable as that death would be a relief.

The fact noticed by Bentham\* that while the apparent severity of capital punishment is greater, its real

sentences of penal servitude ending only with life could not be literally executed. But even were the existence of this advantage admitted, it would be no very great, still less of any conclusive, importance, as against the weight of aggregate objection.

\* *Principles of Penal Law*, B. ii. c. 12: "Capital Punishment examined."

It must not be forgotten that Bentham, the great value of whose authority on this question is enhanced by the fact that he wrote in an age when many offences besides murder were punished with death, has given his opinion against capital punishment even for that crime.

severity, if only the actual pain inflicted upon the criminal be regarded, is less than that of others, might also appear to be an advantage of the kind referred to. But, as Bentham himself observes, it is in the apprehension of death, and not in the actual experience of it, that the greater part of the misery endured by the criminal consists; and those who reflect on the terrific agony of the last few days of a forfeited life will not be disposed to deny that even on the score of direct and positive suffering this punishment has no equal in the penal code of civilised nations.

Having thus obtained an answer to each of the questions which it became necessary to consider, viz. : first, as to the degree of comparative efficacy, and secondly, as to the amount of comparative evil, we are now in a position to strike the balance between these results, and to decide whether there is any such superiority in point of efficacy on the side of capital punishment as to countervail its peculiar disadvantages. Nor can the decision be a matter of any difficulty. It has been seen on the one hand that, while there is no certainty that a secondary infliction might not be substituted in this country for that of death without any loss whatever, or even with a considerable gain, of deterrent force, there is every probability that any such loss, if it were really incurred, would not be great; and, on the other, it cannot be denied that the evils which have been indicated as exclusively characteristic of capital punishment, and which are not balanced by any advantage of importance exclusively belonging to it, are in the aggregate of immense magnitude. These

two considerations, taken together, appear to be conclusive as against the retention of this punishment on our penal code.

It appears, then, that of the three grounds on which capital punishment for murder is defended two are entirely untenable; while on the third, which is that on which only there is room for serious or lengthened discussion, the balance is in favour of the advocates of change. Those to whom the process by which a conclusion opposed to the penal destruction of life has thus been arrived at is unsatisfactory will, it is hoped, admit that the question has at least been presented in such a form as that the precise link in the chain of reasoning which is supposed to be defective may easily be pointed out, and the precise bearing upon the general issue of any error which has been committed readily perceived. But, if the argument is unsound, let it be confuted. The subject is one of serious and terrible moment; and indifference or inaction with regard to it on the part of those who possess any means of influencing public opinion is only to be justified by a carefully-informed conviction that the system which sends murderers to the gallows will satisfy the most searching test of philosophical examination.

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Since the first publication (in 1861) of the preceding observations, the subject has been referred to the consideration of a Royal Commission. In their Report the Commissioners state that they are unable to agree upon the answer to be given to the question whether or not the punishment of death should be altogether

abolished ; but they are unanimously of opinion that there are only two kinds of murder for which it ought to be inflicted, viz. :

1. Murder committed “with express malice aforethought, such murder to be found as a fact by the jury.”

2. Murder committed with a view to the perpetration, or escape after the perpetration, or attempt at perpetration, of “murder, arson, rape, burglary, robbery, or piracy.”

They also advise the discontinuance of public executions.

It is obvious that a very considerable concession has thus been made to the advocates of abolition. A report which recommends that death should no longer be the punishment for a large class of the crimes to which it has hitherto been assigned, and refrains from expressing an opinion as to the expediency of retaining it for the remainder, is favourable in a very important degree to the views of those who are opposed to the infliction in any case of such a punishment.

There are many persons to whom it will appear that no further alteration in the law is required than that which is proposed in the Report, and by whom, thus restricted, it will cease to be considered objectionable. Nor can it be doubted that by such a change the case against capital punishment, as operative in this country, would be diminished in force. Whether it would be so far weakened as no longer to be conclusive—whether, supposing the change to be made, and some of the evils attendant upon capital punishment thereby removed, there still remains reasonable ground for the

preference of a secondary infliction—is another question, and one which we have now to consider.

The argument from which it has appeared to follow that capital punishment ought to cease altogether is in effect this:—that such a mode of punishment (considered without reference to its effect upon crime) is open to certain serious objections from which secondary punishment is exempt; and therefore that, unless it can be shown to be greatly superior in point of deterrent effect to secondary punishment, secondary punishment ought to be preferred. In other words, it is a question of comparative objection on the one hand and comparative efficacy on the other. To what extent, then, would (1) the comparative objection, and (2) the comparative efficacy be affected by the proposed change?

The peculiar grounds of objection to capital punishment may be shortly expressed as follows:—(1) Sacredness of human life; (2) irreparability; (3) frequent non-enforcement of the law, and excessive use by the Executive of its dispensing power, to the discredit of public justice; (4) invariability; (5) impossibility of reformation; (6) scandal of public executions. Of these the third, fourth, and sixth are those upon which any effect would be produced by the adoption of the recommendations in the Report.

The third objection—the frequent non-enforcement of the law—would, it is evident, to a certain extent be met by a change which would confine the punishment of death to those murders which are looked upon with the greatest aversion, and for which juries would therefore be less unwilling to convict, and the Home Office

less frequently induced, by the pressure of public opinion, to commute the sentence. But, though mitigated, the evil would by no means be removed. It is not only with respect to charges of unpremeditated murder that a reluctance on the part of juries to convict is observable, or that the Home Office is impelled, by the persistent efforts of humane persons, to substitute penal servitude for death. In recent trials, especially, the disposition of juries to acquit in the face of the clearest testimony, and of the public to interpose to protect from execution, murderers whose crimes have been committed with the utmost deliberation, has been conspicuously displayed.

The fourth objection to the existing law—that it inflicts a penalty invariable in degree for crimes which involve very various degrees of moral guilt—would necessarily be diminished in force by a change which would in future exempt from that law a large class of crimes now subject to it and involving a minor degree of guilt. But, in practice, the course proposed by the Commissioners would not effect any very important alteration in this respect. Practically (as has been already shown), owing to the general disinclination to enforce the law, few of the crimes which legally are murder but partake of the nature of manslaughter, and which would no longer be punished with death if the recommendations of the Commissioners were adopted, are now so punished; and the charge of an invariability inconsistent with sound principles of legislation can be sustained, irrespectively of those crimes, against the punishment of death. A law which



would award the same penalty to a murder prompted by revenge for some flagrant and serious wrong as to the murder of a parent or a friend for the sake of pecuniary gain, provided only that both crimes were deliberate, could claim no immunity from such a charge.

The sixth objection would be entirely removed if recourse were had, as proposed by the Commissioners, to private executions ; but, as before remarked, it seems improbable that the system of private executions will ever be resorted to in this country.

It appears, then, that of the objections peculiar to capital punishment two would be considerably diminished in force, but would not be obviated, by the legislation which the Commissioners propose, and that one only would be actually removed ; the particular proposal by which its removal would be effected being a proposal of which it would be sanguine to anticipate the adoption.

On the other hand, the efficacy of capital punishment, limited in its application as advised by the Commissioners, would undoubtedly be to some extent increased. The present inefficacy of that punishment is mainly owing to the state of public opinion upon the subject, and to the consequent reluctance of the authorities, legal and executive, to enforce it : and in the case of the crimes to which the Commissioners desire in future to confine its operation, that reluctance would be less active in so far that these crimes, being deliberate, are therefore more heinous. But, as already observed, it is not only in respect of

murders which are committed without deliberation that the general aversion to the punishment of death prevents its enforcement. From the legal penalty for crimes which, if committed at all, must have been premeditated, it is found that the criminal has now a chance of escape far greater than that which would be open to him if a secondary punishment were the consequence of conviction. Evidence which in that case would at once be decisive is jealously sifted or simply discredited when the life of a human being depends upon its invalidity. It is seldom that a jury will convict on charges of murder however deliberate, or that the public will abstain from making an effort to save the life of the criminal after sentence, unless the evidence of guilt has been far more than ordinarily conclusive. In other words, the causes which impair the efficiency of capital punishment as a preventive of the class of crimes to which it is at present applied would, though reduced in force, remain powerfully operative even in the event of the contemplated amendment of the law.

The question then is, Would the efficacy of capital punishment, limited in the manner which the Commissioners propose, be so far superior to that of secondary punishment for the same crimes as to compensate for the peculiar evils which, even when thus restricted, it would involve? We have just seen that against that fear of death which is undoubtedly the strongest deterrent there would still have to be set a very great though diminished amount of comparative uncertainty in its infliction. The superiority, therefore of capital punish-

ment in point of efficacy would remain doubtful, and might possibly have no existence ; while the objections which exclusively belong to it would still be extremely strong—so strong that, even supposing the superiority to exist, and to be considerable, the objections might fairly be held to overbalance it. Looking to the aggregate force of these objections, it might reasonably be contended that even if capital punishment as inflicted under the new law were decidedly the more powerful deterrent, it would not be so much more powerful in that respect as that it ought to be retained. Such a punishment might well be considered too great a price to pay even for an important gain in regard to the prevention of crime. There are indeed many persons who would be ready to sacrifice almost any amount of deterrent force rather than maintain a penal law which appears to them so unworthy of a civilised age. In the general opinion, this view of the subject proceeds upon an exaggerated estimate of the character of the infliction ; but, on the other hand, there is no such inferiority on the side of secondary punishment in point of repressive power as that which it supposes. It seems very doubtful whether the destruction of life, even for deliberate murders only, would afford any greater security against crime than a less questionable penalty, and certain that it would afford no such additional security in that respect as to compensate for the serious and formidable evils by which it is attended and from which secondary punishment is free.

## THE BANK CHARTER ACT OF 1844.

THAT men should be allowed to trade with each other on whatever terms and to whatever extent they please, and that no commercial transaction ought to be prohibited or restricted on the ground that it may be so carried on as to inflict loss upon those concerned in it, is a general rule of political science the disregard of which has wrought in its time incalculable evil, but which during the last twenty years has been sufficiently recognised in this country. It is now generally understood, in England at least, that the proper remedy for the evils occasioned by the breach of commercial engagements is not to prevent or limit them, but to pass such laws as may be most expedient in case they are unfulfilled. The interference of the State with respect to the metallic currency of the country can scarcely be considered as an exception to the rule. It is an interference, not to prevent or limit the particular kind of commercial transaction to which it implies, but in order that the transaction may be really what it professes to be. It imposes no limitation or condition whatever upon the use of metallic money, except that of manufacture by the State. It is an

exception, based on considerations of peculiar cogency, to the maxim “caveat emptor,” rather than to the principle of free-trade. The only direct and positive instance, of any great and general interest, in which the rule is now set aside is that which is afforded by the monetary legislation of 1844.

It must be confessed that this legislation (which, applicable in the first instance only to England, was extended in the following year to Scotland and Ireland) is as vigorous as it is singular. The original intention appears to have been to permit the issue of notes, under severe restrictions, by the Bank of England alone. As it was, the Bank of England was prohibited from issuing notes to an amount exceeding 14,000,000*l.* beyond that of the coin or bullion in its coffers, except in so far as they were substituted for those of any country bank which were no longer in circulation, of which substitution (limited to two-thirds of the lapsed issue) the whole profit was to be made over to the State ; and no such issue was permitted at all except upon securities, of which the debt due to the Bank by Government (11,000,000*l.*) was to form a part. The issue of notes other than those of the banks of issue then existing was made illegal ; and, except the Bank of England, no bank was to increase its circulation beyond the amount at which it then stood. Power was taken by the Government to deprive any bank of the privilege of issue ; a maximum of six was fixed beyond which no addition to the number of partners in any private bank possessing that privilege could take place ; and other vexatious restrictions were

imposed—the intention evidently being that the whole paper circulation of the country should ultimately be in the hands of the Bank of England. Thus a monopoly of issue was given to certain banks, not one of which, except the Bank of England, could be supposed to have even the shadow of a claim to such treatment; and it was in effect enacted that no bank except those so favoured, however great might be its wealth and however admirable its management, should in future be allowed to issue notes. Thus also it was provided that, whatever might be the increase in the wealth and metallic circulation of the country, there could be no increase at all in the note circulation of country banks, and no increase in that of the Bank of England unless with a corresponding decrease of the proportion borne by the amount of notes which it might issue to that of its metallic reserve. Two distinct and formidable weapons—monopoly and restriction—were brought into play against a most important branch of commercial business by a Minister who, it is as well to remember, was not yet converted to free-trade. And, when to this statement of the effect of the Act it is added that on two out of the three occasions of serious commercial difficulty which have occurred since it was passed the Act was suspended on the unanimous demand of the trading classes, few will be found to deny that a *prima facie* case of singular force has been established against it. The measure was not only a departure from an economic principle of admitted soundness and extreme importance, but a very wide and evident departure

from that principle; and it has been found intolerable in the very circumstances with a view to which it was adopted. Right or wrong, a heavy burden of proof unquestionably rests upon its supporters.

Now, what are the grounds upon which an enactment so extraordinary and exceptional was proposed and is defended? Two principal reasons were given for it by the more moderate and judicious of its advocates, one of which may be summarily dismissed. This was, that the calamity commonly known as a "commercial crisis" is seriously aggravated by the stimulus given to the undue speculation which is a frequent cause of such a phenomenon, as well as to the "drain of gold," which usually accompanies it, by the unrestricted issue of bank-notes. It is obvious that this statement, whatever amount of truth it may contain, affords no ground whatever for a measure such as that under consideration. It will hardly now be contended that the evils, however great, which mercantile insolvency inflicts upon the country are of a kind to justify an exceptional violation of the great law of unrestricted trade. The time is gone by for preventing commercial enterprise from becoming ruinous by legislative limitation of the means employed for carrying it on. If the object was to prevent or mitigate commercial failures, there could be no better justification for restricting the amount of notes than there is for restricting the amount of bills of exchange or other mercantile obligations—a course which no one has ever been bold enough to propose. The more plausible ground upon which banks were subjected to the

legislation of 1844 was of a different kind. It was represented by the authors of the measure that on several occasions, when the country had been suffering from monetary derangement, the proportion between the notes issued and the cash held by bankers had become such as to endanger, and in the case of many country banks actually to destroy the convertibility of the note, causing great and wide-spread disaster; and that the importance of averting for the future any danger of the kind was such as required a resort to extraordinary and special legislation.\* Another effect which is very commonly attributed to and held to justify the measure does not require any serious consideration. It is supposed by many persons that the Act, by limiting the circulation of notes, prevents their being issued (as it is termed) "in excess," that is, to such an amount as to induce more or less depreciation and consequent disaster. The fallacy of this supposition has been sufficiently shown. It is now well understood that the depreciation of a convertible paper currency, so long as its convertibility is maintained, is impossible; since on the very first symptom of such depreciation it becomes profitable to exchange the notes for gold. So long as the notes are duly cashed when presented for payment, there can be no fall in their value such as that supposed; and the only

\* A third reason for the Act, of the same character as the first and therefore inadmissible, was given by Sir Robert Peel in his speech of December, 1847, on Commercial Distress, viz., the expectation that the Act would prevent "by early and gradual, severe and sudden contraction;" but he mentioned it only to admit that the expectation had been disappointed.



discredit to which they can be liable is of that complete and final kind which follows the refusal of their issuers to convert them.

Thus in discussing the expediency of the Bank Charter Act we shall be warranted in assuming that the evil which it is intended to avert, and as a remedy for which it can alone with any show of reason be defended, is simply a recurrence in times of serious commercial difficulty of that danger to the convertibility of the note by which such periods are considered to have been characterised. Nor can it be denied that the evil thus apprehended has peculiar features which afford, if not a perfectly satisfactory, at least a plausible ground for treating it as an exception to general principle. The disasters caused by the failure of mercantile credit and the depreciation of mercantile paper are serious enough. Probably indeed they involve an actual loss of property quite as great as any which is occasioned by the insolvency of banks of issue. But the loss in such cases is confined to comparatively few persons, all of whom have or may be supposed to have some special opportunity of judging as to the trustworthiness of the paper on which they have relied. The ruin consequent on the inability of banks to cash their notes is spread over a much wider area, runs through all the complicated transactions of trade, and affects a class of persons who have practically no means of judging as to the solvency of the issuers, and by whom such losses are commonly irretrievable.

It may then not unfairly be contended, and may be conceded for the sake of argument, that the evil of

which the Act was passed to prevent the recurrence—the danger to the convertibility of the note—was such as to justify some kind and degree of exceptionally restrictive legislation. But, in order to decide whether the particular remedy described by the Act for that evil was or was not expedient, it will be necessary to consider (1) the efficacy of the remedy ; (2) its cost ; and (3) whether, looking to the nature and extent of the evil to be cured, its cure (supposing the remedy to have been effectual) was worth that cost.

With respect to the *first* point, the efficacy of the remedy ; it is generally admitted that the Act of 1844 has effected that which we are assuming to be its object—the removal of all possibility of danger at certain critical periods to the holders of paper currency on account of the relation between the notes of banks and their cash in hand. It is desirable, however, to bear in mind that (as has been already observed) the Act is composed of two principal ingredients, monopoly and restriction ; and that monopoly, considered as a means of providing a trustworthy currency, is, in itself, an expedient of at least doubtful efficacy. The most natural effect of it is precisely the reverse—to induce reckless trading on the part of the banks so privileged, and to remove from them that inducement which free competition supplies to dealers in bank-notes, as in any other commodity, to improve to the utmost the quality of the article in which they deal.

The *second* question for consideration is the cost of the remedy which the Act provides ; and this, fully understood, we shall find to be enormous. Banks of

issue are banks which, besides lending the metallic money at their disposal, lend also their credit in the form of notes payable on demand; and these notes are just so much (less the sum retained to meet demands for their conversion into coin) added to the general fund available for the purpose of profitable investment, whether in the way of production or exchange. Moreover, the addition thus made to the means of increasing the national wealth is an addition which possesses a peculiar value. All the operations of commerce and productive industry are effected through the instrumentality either of credit or of metallic money. As applicable to this purpose, credit compared with metallic money has this advantage, that its cost is inappreciable; metallic money compared with credit (under any of its forms except that of bank-notes) has the advantage of being not to a limited extent only but completely effectual. Bank-notes combine both these advantages. They can be supplied at no appreciable expense, and on the other hand, their circulation is not, like that of other forms of credit, confined to a limited class of persons and transactions, but (if allowed to be issued for sums sufficiently small) they are as available for every operation of production and exchange as metallic money itself. In so far then as legislation prevents the issue of bank-notes, it prevents the use of a singularly efficacious instrument of commercial and industrial progress.\* And that the Act of 1844 must

\* The prohibition of notes below £5—that is, of notes such as are almost exclusively available for purposes of production (since notes for a higher amount can rarely be used in payment of wages)

have done this to a very serious extent the nature of its provisions leaves no doubt. Accordingly, we find that the Bank of England, with property in capital and deposits nearly double that of the Bank of France, has a paper circulation less by one-third; that, notwithstanding her immense commercial inferiority, and though she possesses but one bank of issue, the total note circulation of France is very nearly equal in amount to that of this country; and that, notwithstanding the enormous increase of its trade and metallic currency, the note circulation of this country is at the present moment not materially greater than it was in 1843.

But this is far from being the whole, or even the most important part, of the price which the nation pays for the Act of 1844. Of all the causes which conduce to commercial prosperity, none can be imagined more important than [a freely and fully developed banking system. The immense services rendered by banks in facilitating and cheapening mercantile transactions, and especially in providing profitable employment for money which would otherwise lie idle, or would be wasted in unproductive consumption, seems to be even now very imperfectly understood. As it is, the great increase of banking business which has taken place in this country since the year 1826 (when the successful efforts of the Legislature to make banks few and insecure by limiting the number of their partners to six were at length discontinued) has con-

—was not the work of the Act of 1844, but of a previous law passed on account of and immediately after the bank failures of 1825.

tributed, there can be no doubt, in a very material degree to its extraordinary advance in wealth and prosperity. But that the Act of 1844 has seriously impeded the full and healthy development of banking business in this country is certain. By the monopoly of issue which it established it removed the inducement to the formation of banks and to the accumulation of deposits in them which is afforded by this important source of profit ; while, by closely limiting and encumbering with vexatious conditions the issues of the privileged banks, it in the same manner checked the flow of deposits into them. Prevented from issuing notes, or closely limited in their issues, banks are debarred from a natural and legitimate source of profit, and are either unable to pay any interest at all, or any but a low interest, to depositors, or are obliged to resort for the purpose to investments more or less hazardous ; and banking is thus not only discouraged, but made, where it is in operation, less secure. The cost of the Act, in this effect of it, can scarcely be over-estimated. It is hardly possible to place a limit to the advantage which might result from a measure which should remove the obstructions now existing to the free and prosperous action of safely conducted banking establishments, considered especially as a means of attracting and turning to immediate profit the vast amount of money which now, held in small sums by a multitude of persons, is dissipated unproductively or recklessly invested, in the absence of any readily and constantly accessible channel for its profitable employment.

Such being the amount of evil (whether with or without any compensating advantage in the particular purpose which it fulfils is not here the question) inflicted upon the mercantile interests of the country by the Act of 1844 when trade is pursuing its ordinary course, we have now to inquire what is its effect upon them in times of commercial difficulty and distress. The immediate occasion of what is termed a "commercial crisis" is a sudden and general contraction of credit; and there are two causes by which, taken either separately or together, this effect is chiefly produced. The first is that which is commonly called "over-trading," or, in other words, excessive commercial or industrial speculation; and in this case the course of events is generally as follows. The unusual extension of credit produces a rapid rise of prices, or in other words a fall in the exchange value of the precious metals. The precious metals therefore begin to leave the country in search of a better market, and thus the loan fund is diminished; while on the other hand, the perceptible approach of the collapse of speculation causes an unusual demand for money on the part of speculators for the purpose of postponing the evil day. Thus the rate of discount advances under the double action of reduced supply and increased demand. Credit is still further contracted by the panic which begins to affect lenders, and those speculators who are unable to obtain further advances are compelled to sell their goods at the best price they can obtain. Prices accordingly begin to fall; there is a general eagerness to sell in order

to avoid still greater losses ; and the result is a glut of the market and a still further fall of prices, which will continue for a longer or shorter time, and with more or less ruinous consequences, according to the height to which undue speculation has been carried, and the amount of temporary assistance which those traders whose solvency is endangered are able to obtain. Now what, in such a condition of affairs, is the effect of the Act of 1844 ? Observation of actual facts has proved\* beyond doubt that it is not until a comparatively late stage of the process, and after prices have greatly risen, that there is on such occasions any considerable increase of bank-notes, and that the rise of prices is caused, primarily and mainly, not by bank-notes, but by the extension of mercantile credit. As long indeed as notes which were applicable to the payment of wages were in circulation, it is probable that, when the prevailing speculation had advanced far enough to reach the producers† (in its first stage it is usually confined to dealers) bank-notes had some effect in increasing prices ; but since notes of a value below £5 have been prohibited, banks of issue have been deprived of even this amount of influence in the case. Undoubtedly, when speculation has reached its full height, and the first symptoms of the unsound condition of affairs begin to show themselves, there will be an unusual demand for and a large additional issue

\* The fullest evidence on this point is to be found in Tooke's "History of Prices." See also "Principles of Political Economy," by J. S. Mill, vol. ii. p. 191.

† See "Principles of Political Economy," by J. S. Mill, vol. ii. p. 195.

of notes for the purpose of enabling speculators to avoid a ruinous sale of the goods which they hold ; and in this manner the inevitable catastrophe is postponed for a time, only that it may be more fatal when it actually occurs. In so far, therefore, as at this particular juncture the Act of 1844 restricts the issue of notes, it must be considered as having a tendency to mitigate the evils of the time. But when once the tide has turned and the disaster has begun, its operation is mischievous in the extreme. There is no longer any fear of ministering to undue speculation, or of aggravating the calamity by keeping speculations afloat. It is not the use, but the disuse, of credit that is now in excess. The fall of prices, and the ruin consequent on it, increased by increasing panic, go far beyond the point of natural and necessary reaction ; and not only hopelessly insolvent concerns, but those of whose ultimate solvency there can be no question, are carried away by the torrent. At such a time the cautious advances of banks are of the utmost value in protecting those whose business is substantially sound, and in mitigating the effects of a panic as unreasonable as the over-confidence from which it is the rebound ; and the Act, by preventing all possibility of such timely assistance, seriously adds to the confusion, dismay, and ruin which prevail.

The second of the two causes to which a commercial crisis is mainly attributable is a large and sudden reduction of the general loan fund either by the withdrawal of money for loans to foreign Governments, or for the purpose of home or foreign investment, or



on account of an unusually large "balance of trade" against this country. Of this character, wholly or chiefly, were the monetary difficulties of 1815, 1839, and 1847. As applicable to such occasions, it is certainly not surprising that the expediency of the Act of 1844 should have been called in question. The ordinary business of production and trade is for the most part, carried on by means of advances of money to be repaid when the profits of the several transactions for which the money is borrowed have been realised. The effect, then, of a sudden and violent contraction of the loan fund is not only to prevent *pro tanto* the renewal of those advances, and to bring to that extent commercial and industrial operations to a stand-still, to the serious loss of those engaged in them, but also that many producers and dealers who require, and would, in the ordinary state of affairs, have obtained an extension of credit, are suddenly called upon to repay the advances made to them. Notwithstanding therefore that their business may be in a perfectly sound condition, and that, with the time ordinarily allowed to them, they would have been able to close profitably the operations in which they are engaged and to fulfil all their obligations, they are compelled to suspend payment. Other traders who have had dealings with them participate in the disaster; and a panic ensues which may lead to any amount of difficulty and distress. Now in this case the issue of notes, in so far as it enables dealers and producers to continue their business, is an unqualified advantage; it is a proper and natural mode of

alleviating the disorder. There is here no question of encouraging rash speculation, or of injuriously retarding a collapse; neither rash speculation nor collapse being among the circumstances of the case. So far then as the Act prevents at such periods any issue of notes which would otherwise take place (it must be remembered that we are, for the present, leaving out of consideration its value considered as an effectual remedy for a particular evil), it is simply and seriously mischievous. That the mere accident of an export of gold or of an unusual demand for it on account of productive enterprise at home, which in itself so far from diminishing adds to the real wealth of the nation, should have power to bring about so much calamity, is an evil greatly to be deplored, and which could only be completely cured by such an increase of mutual confidence, based upon an increase of honesty and prudence, as to admit of the more liberal use of credit under all its forms in substitution for coin. But a law which prevents this remedial employment of credit, in its most effective shape, to the extent or anything like the extent to which but for that law it would even now be possible, ought to have some immense countervailing advantage to recommend it.

Such, reasoning from the nature of the case, we find to be the cost of the Act of 1844 in periods of monetary derangement considered as arising either from excessive speculation, or from a mere contraction of the loan fund in the ordinary condition of mercantile affairs. But it is not upon reasoning alone that we have in this case to depend. Since the passing of the

Act three instances of "commercial crisis" have occurred—the first of which, that of 1847, is attributable to the former, and the second, that of 1857, to the latter of the two causes; while the third was of mixed origin, in which both causes had part. The first and second of these events were not only far more serious in degree than the third, but were among the very worst calamities of this nature that have ever occurred; and in both of them it became necessary, on the urgent demand of the whole mercantile community, and for the purpose of averting that which it was no great exaggeration to call "universal bankruptcy," to suspend the Act of 1844. The inexpediency of the Act, as applicable to monetary disorders of an aggravated type, is thus demonstrated with a force which no *à priori* argument however conclusive could be expected to bear. The third occurrence of the kind referred to is the pressure and embarrassment from which the money market has recently suffered, and from which it has even yet but imperfectly recovered.\* It has been the result of a combination of causes, among which the demand upon the loan fund consequent on the multiplication of Joint Stock Associations, and the failure of speculations in cotton, were the most active, but which, taken together, have not been sufficient to cause a "crisis" nearly so calamitous as those which preceded it. The fact therefore that the Act has in this instance been allowed to remain in force in no way neutralises the inference which we have drawn from its suspension on former occasions. It is evident that so

\* This paper was first published in May, 1865.

strong a measure as the temporary repeal of the law was not likely to be adopted by the Government unless the evil had reached a stage far beyond that which it recently attained. Still less is there any ground for appealing to the comparative mildness of the late monetary disturbance as a proof of the expediency of the Act. For, in the first place, if the Act had really had any such salutary effect in restraining and regulating mercantile and monetary transactions as that which is thus attributed to it, that effect (as has been before observed) is not one of a kind which it is the business of legislation to produce; and in the next we have shown that in cases of commercial distress, occasioned (as they usually are) by one or both of the two causes to which the recent pressure is mainly attributable, the Act (apart from the service which it renders in protecting the convertibility of the note) is not only not beneficial but directly and seriously the reverse.

It is evident, then, that whatever may be the value of the Act considered as a remedy for a particular evil, it is a remedy of which the cost is extravagantly and ruinously high. In an ordinary state of commercial affairs the severe restrictions which it imposes upon the issue of bank-notes inflicts direct injury upon the nation by paralysing a singularly effective agent of exchange and production, and less direct but still more serious injury by stunting the natural growth of institutions of vital importance to the general welfare; while in the exceptional periods of commercial difficulty, it acts as an aggravation of the prevalent

distress, such as (to say the least) is far from being counterbalanced by any beneficial effect which it may have as a restraint upon speculation. We have now to consider, *thirdly*, what was the real nature and extent of the evil which this costly expedient was devised to meet. The evil was an alleged danger to the convertibility of the note :—what was the actual amount of that danger ? It shrinks, looked fairly in the face, into much smaller proportions than is commonly supposed. In the usual condition of the money market no such danger had ever been apprehended : it was only at certain abnormal periods of mercantile embarrassment that there was any question of its existence. To what, then, at such periods, did it really amount ? And first, with respect to the Bank of England. The earliest commercial “ crisis,” of which there is any record, occurred in the year 1783, and was the result of “ over-trading.” In that year the coin and bullion in the Bank of England sank so low as to cause some anxiety : but the anxiety proved to be groundless ; for the Bank, by judicious management of its issues, rode out the gale in perfect safety. The next occurrence of the same kind was in 1793, when, so far from there being any danger to convertibility, the extreme caution of the banks in averting any such danger was the subject of urgent remonstrance on the part of the trading classes ; and the Government was actually induced, by an issue of exchequer bills, to supply the “ accommodation ” which the banks did not think it safe to afford. In 1797 another “ crisis ” occurred ; and the coin and bullion in the Bank having

fallen to about £1,000,000, while its circulation was about £8,000,000, the Government interfered by suspending cash payments. But for this measure (mischievous as it was in principle, and as it proved to be in practice) there could have been no real necessity. The issues, though high in proportion to the coin and bullion, were already in course of rapid contraction ; and the state of the foreign exchanges indicated a reflux of gold either actual or close at hand. From this time until 1817, when cash payments were substantially resumed, the notes of the Bank of England were inconvertible. In 1818, a "crisis" took place, in which the metallic reserve of the Bank fell to £8,000,000 against a circulation of £28,000,000 ; and it was thought necessary again to suspend cash payments. Here, again, it may well be questioned whether the measure was really necessary ; but supposing it to have been so, the fact affords no evidence of the danger of unrestricted convertible issues. For the Bank, having every reason which past experience could give to believe that in case of any pressing emergency caused by over-issue the Government would put an end to cash payments, was freed from those ordinary motives to caution by which it would be guided in the event of a repeal of the present law. Cash payments were finally re-established in 1823 ; and the next serious derangement of the money market was in 1825. During this derangement (perhaps the most calamitous event of the kind which has taken place in this country) the amount of coin and bullion in the Bank fell to £1,000,000 ; and it was obliged

to recruit its supply of ready money by borrowing £300,000 of Messrs. Rothschild. The next period of trial was in 1839, when the coin and bullion fell to £2,500,000 against a circulation of about £17,000,000; and the Bank was compelled to borrow £2,000,000 of the bankers of Paris. The small amount to which on these last occasions the gold and silver in the Bank were reduced, and its compulsory resort to loans, on both of them, have been appealed to as in themselves going far to justify the Act of 1844. It is difficult to understand upon what grounds. The metallic reserve of the Bank was, it is true, at a low ebb; but there was neither a run upon it by the holders of notes, nor any rational ground for apprehending such an event. One might have supposed it more logical to anticipate from the circumstances of the case similar circumstances in any future case of the same kind; and that an establishment which had borne uninjured so exceptionally severe a trial might be relied on to meet with the same immunity any equally or less critical emergency. Moreover, on the second occasion at least, it seems that the loan was made by the Bank rather from excessive caution than from real necessity, since the tide had already turned, and the reflux of bullion was assured. The prevalent notion that a degree of discredit, more or less affecting the whole nation, attached to the application by the Bank of England to the bankers of Paris for assistance, is so purely sentimental as not to require any serious notice; but it may be worth while to mention, for the consolation of those who entertain it, that during the next "crisis"

(that of 1847) a similar application was made by the Bank of France to the Bank of England.

With respect to the country banks, the case is different. There can be no question as to the widespread disaster, consternation, and misery which has been caused in times of monetary difficulty by the inability of country banks to redeem their issues. But it is to be observed, first, that no such disaster had ever occurred among the banks of Scotland (owing doubtless in great part to the fortunate neglect with which they have been treated by the Legislature), and therefore in the case of Scotland the evil was non-existent, and the remedy wholly uncalled for. Secondly, that as regards the rest of the United Kingdom, every serious calamity of the kind which has occurred among the country banks is of a date previous to the repeal, in 1826, of the legal prohibition against the existence of banking partnerships consisting of more than six persons. It is not surprising that under such a law, which gave in the business of banking a species of monopoly to private traders, and prevented its being conducted except on a small scale, the paper currency should have been in the last degree unsound. Since its repeal there had been, at the passing of the Act of 1844, no serious disaster on account of country bank-notes. It is true that but one instance of commercial difficulty (that of 1839) had occurred during that period, and that accordingly the extent to which the change in the law had increased the security of the note had been as yet but imperfectly tested by experience. But (supposing that the Act of 1844 had not been



passed) there is good reason to believe that there would have been no repetition of the ruin which has from time to time resulted from the over-issue of country banks, and that, so far as regards those establishments, the evil which the Act was intended to cure, had already, in great part, been removed. With respect, then, to the country banks, as well as to the Bank of England, it seems clear that the danger contemplated in the Act has been enormously exaggerated, and that the severity of its provisions is out of all proportion to that danger.

We have seen, then, that (1) while the Act has been fully effectual for the accomplishment of its only defensible object—the protection of convertibility, (2) the cost to the country of the double remedy—monopoly and restriction—which it prescribed has been immense; and we have seen (3), that the evil which the Act was designed to cure,—the danger at certain periods to the convertibility of the note,—is reduced, when closely considered, to dimensions which are quite insignificant as compared with that cost.

From these considerations it seems to follow that the Act of 1844 was a measure inexpedient in the highest degree, and that its repeal, so far from being injurious, would be of the utmost benefit to the commercial interests of the country. The gain to the community resulting from its abolition would be infinitely greater than the loss.

The same considerations lead to the conclusion that there are other important respects in which our currency laws require revision. The monopoly of

issue within sixty-five miles of London which is possessed, independently of the Bank Charter Act, by the Bank of England, cannot, if the views which have been expressed in this paper are correct, be defended on any reasonable ground. We have shown that privileges of this nature, granted to one or more banks to the prejudice of banks in general, are injurious as impeding that full development of its banking system which is of such vital consequence to the nation ; while it is at least doubtful whether on the whole their tendency is not to increase rather than to diminish the dangers incidental to a paper circulation. The first step in the reform of our currency laws which is so urgently needed would be, with the repeal of the Bank Charter Act, the abolition of all exclusive privileges, exceptional disabilities, and differential enactments, whether in respect to the issue of notes, or the obligation of the public to accept them, or in any other respect whatever, compensation being given for any interference with vested rights which such a measure might involve. The trade of the country would thus be relieved from an incubus of confused and mischievous regulation, and banking business would be placed, like all other branches of commerce, upon the footing which is essentially necessary to its prosperity—that of free and healthy competition.

This done, there would remain the question whether any and what restrictions or conditions ought to be imposed upon banks for the purpose of ensuring the convertibility of their issues. In considering the

effect of the Act of 1844 as the particular measure which was adopted for this purpose, we have assumed, for the sake of argument, that some such restrictions or conditions were desirable. It must be admitted, however, that the assumption is a strong one. The special and only plausible ground upon which so direct and singular an interference with the principle of commercial freedom is supposed to be necessary, and especially of the distinction which is in this respect drawn between bank-notes and other forms of credit, is that bank-notes, and they alone, perform all the functions of money, or, in other words, that they are in the fullest and ordinary sense of the term, "currency," and that a currency liable to disaster is an evil of greater extent and importance than a system of mercantile credit with the same liability. The conclusiveness of this argument is, however, far from unquestionable. In the first place, we have found that the evil in question—the liability of bank-notes to disaster—showed itself between the years 1826 and 1844, when the banking system of the country was comparatively free, in much smaller proportions than is usually imagined; and there is reason to believe, looking especially to the example of Scotland, that it would have been still smaller in amount if the freedom had been more complete. But even if the danger to be provided against were more formidable in degree than it really is, it may well be doubted whether the case would be such as to admit of departure with impunity from one of the most comprehensive and infallible laws of political economy;—whether the

currency is any exception to the rule which holds for all other commodities—that more harm is done by legal impediments to speculation in them than by the liability of such speculation to failure—that the best mode of ensuring to the public a supply satisfactory both in quality and quantity is perfect liberty of action on the part of dealers, and perfect liberty of choice on the part of customers ; and that legislative regulations in any way interfering with that liberty are not only injurious as restricting trade, but calculated to defeat the very object with which they are framed ;—and whether the only legitimate mode of counteracting the consequences of the inability of bankers, as of other traders, to perform their contracts is not to be sought in an improved law of insolvency. Nor should it be forgotten, that in that which appears to be the only instance of perfectly free banking with a paper currency in the strictest sense convertible,—that of the Scotch banks before 1844,—no important failure attended with losses to note-holders was ever known to occur.

Looking, however, to the extreme importance to the public of a currency in which it may entirely confide; to the fact, that in none of the three great commercial countries—England, France, and the United States—has it been considered safe to permit the perfectly unfettered circulation of bank-notes;—taking also into consideration the habitual condition of the public mind upon this subject;—it is not probable that for the present any English statesman will have courage to propose the exemption of banks of issue from all

legislative provision of whatever kind for the security of their issues. It becomes necessary, therefore, to inquire what should be the nature of the conditions imposed. There are three expedients which have been suggested, and which appear practicable for the accomplishment of the object in view. These are (1) The limitation of the aggregate amount for which notes may be issued beyond the coin or bullion actually in hand ; (2) The prohibition of notes below a certain value ; and (3) To require the possession of Government or other trustworthy securities as a guarantee for the redemption of the notes. Of these expedients (of which the monetary legislation of this country presents a strange compound) the two first are far more objectionable in their nature than the third, inasmuch as they involve a much more direct and decided departure from principle. It is evident, that to limit the amount to which notes may be issued beyond that of the precious metals in hand is a more direct and positive interference with freedom of trade than to allow of unlimited issues with the sole proviso that they shall be based upon satisfactory securities. An equally direct interference with it is involved in the prohibition of notes below a certain value, the proper object of which is not to prevent the failure of banks from over-issue, but to mitigate the effects of their failure when it occurs, especially as affecting the labouring classes. And though it is true that, by this effect of it, the most serious of the evils attendant upon such catastrophes is obviated, this advantage is balanced by the fact that in preventing the appli-

cation of bank-notes to the payment of wages, it deprives them in great part of their efficacy as instruments of production, and diminishes to that extent the demand for labour and the remuneration which it is able to obtain.

It is, then, in the third of the available expedients—the prohibition to issue notes except upon the guarantee of securities actually the property of the issuers and such as to command unfailing confidence—that the least objectionable mode of providing by legislation for the convertibility of paper money is to be found. It is obvious, that if full provision is made to ensure the constant possession by the issuers of an equivalent value in securities, there can be no depreciation of notes and no loss to note-holders. In England, by the provisions of the Bank Charter Act, and in France (where the arrangement chiefly relied on for maintaining the security of issues is the complete monopoly of issue given to the National Bank) by the law which requires the investment of £4,000,000, or about half the capital of the Bank in the public funds, the principle of such a restriction has already been admitted. After the disastrous failures of American Banks in 1839, a law was passed by the Legislature of New York (which has recently been imitated by the Federal Government, and applied throughout the Union), under which notes could be issued only on the deposit by the issuers of securities to the full amount of their issue. Accordingly, the failures which have occurred among the banks of New York since the adoption of this measure, and which

during the "crisis" of 1839 were very numerous, have involved no run for gold on the part of the note-holders, and the notes of the insolvent banks have in all cases been redeemed. There are, however, two objections to the mode in which the principle has been applied in the United States. One of these is, that one-half of the amount of the securities deposited may consist of obligations other than those of the Government, such as the Bonds of Railways and other Companies, and that the liability of such securities to depreciation has caused some loss to holders of the notes of bankrupt issuers. The other is that the duty of providing the banks with notes in exchange for the guarantees deposited, and of redeeming them when necessary, is imposed upon the Government itself. Both the power and the responsibility thus given to the Government would probably, and with reason, be disapproved in this country. But the plan involves no necessity for the discharge of these functions by the State. It has been proposed (in a pamphlet\* recently published by M. Constantin Baer, remarkable for its simple and lucid treatment of a subject which is enveloped in much factitious obscurity), that the delivery to the banks of notes in return for securities should be the business of a central committee composed of delegates from the banks themselves; nor would there in all probability be any serious objection to such an arrangement. Whether even this machinery would be necessary, and whether

\* "La Question des Banques en France et en Italie. Lettres à M. Michel Chevalier." Par M. Constantin Baer. Turin, 1864.

it might not be sufficient to require such assurance as frequent publication of accounts would afford as to the actual possession by the banks of the prescribed amount of securities, may be doubted. But the precautionary arrangements which might in this respect be necessary—the proportion, if any, in which the securities deposited might be allowed to consist of obligations other than those of the Government, and to what classes of such obligations the permission should extend,—and whether, as M. Baer proposes, it might not be desirable that the banks should at all times hold coin and bullion (on which notes might also be issued) bearing a certain proportion to the securities which they deposit in guarantee,—are questions of no very formidable difficulty, but which would require careful discussion when the precise mode in which the proposal might best be carried into effect in this country came to be considered.

Monopoly of whatever kind being thus removed, and restriction reduced to one simple and uniform requirement, the least embarrassing of any by which the object in view could be attained, the way would be cleared for the gradual assumption by the banking system of this country of an importance proportionate to the extent of its commerce and industry. No longer debarred from the profit incidental to the issue of notes, banking establishments would receive that innocuous kind of legislative encouragement which consists in the removal of artificial restraints; and being in a condition to afford interest to depositors without transgressing the bounds of prudent management, would



rapidly absorb a vast amount of surplus property which is now uselessly squandered or hazardously employed, and which would be added to the fund available for reproductive investment, or, in other words, for the creation of wealth. Nor would it be unreasonable to expect, that while such was the effect of the change upon the interests of the country in the normal condition of its trade and circulation, it would also tend to avert, or to mitigate when they occurred, those periodical convulsions of the money-market which have been the cause of so much evil. For, in the first place, it might fairly be anticipated that the amount of the reckless investment which is a frequent cause of such calamities would be diminished, in so far as that money which at such periods is now directly invested by its owners would then be left at the disposal of establishments well versed in business, and in a position to judge of the character of mercantile projects. And, in the next place, at that particular stage of a commercial "crisis" when the funds necessary to counteract the unnatural depression of credit are in disastrous deficiency, deposits which are now withdrawn from banks under the influence of the general panic would be on the contrary attracted to or prevented from leaving them by the greatly increased rate of interest which is characteristic of the time, and which would add to the profits of banks, and, therefore, to those of their depositors. It might even be hoped that when the expediency of the new system of guarantee had been tested, some gradual and tentative modification of it might be found possible, such as

might prepare the way for the admission of banks in this country to that complete liberty of action on which all other commercial business depends for complete success, and from which, on evidence which is so far from being entirely satisfactory, they have been excluded. In any case, a great reform would have been effected, and a great anomaly removed. It would no longer be said that England, which is the stronghold of free and independent commerce, is also that of restrictive and paternal monetary laws ; or that the most important wheel in the machinery of her material progress is clogged by an unsightly mass of complicated, excessive, and random legislation.

## THE FINANCES OF FRANCE AND ENGLAND.

A RECENT article in the *Revue des Deux Mondes* draws an interesting comparison between the financial condition of France and that of England.

The English balance-sheet for 1863-4 shows, the writer says, a surplus of £3,152,000; while in that of France for the same period there is a probable deficit of £1,720,000. The expenditure of England, which in 1860-61 was £72,500,000 was reduced to £70,808,000 in 1861-2; to £69,302,000 in 1862-3; and to £67,186,000 in 1863-4; while the estimate for the current year is less by £166,000 than the last-named amount. Moreover, during these five years taxes have been removed or reduced to the extent of £9,415,000. On the other hand, the expenditure of France was, in 1860, £83,360,000; in 1861, £86,840,000; in 1862, £90,000,000; in 1863, £92,000,000; her probable expenditure for 1864 is £94,200,000; and for 1865, £94,880,000; while in each of these years there has been a deficit, and on the whole period additional taxation to the extent of £2,960,000. Again, the expenditure of England in 1852-3 was £50,291,000; it is now £67,000,000; showing (when allowance has

been made for a sum of £4,692,000 on account of "expenses of collection," which appeared in the Budget for the first time in 1857) an increase of £12,000,000. On the other hand, the expenditure of France was, in 1862, £57,680,000; and in 1863, £92,000,000; showing an increase of £34,000,000. With respect to the debts of the two countries—that of England was, in 1815, £861,000,000, on which the annual charge was £31,646,000. By the year 1853 it had been reduced to the extent of £92,000,000; but it was again increased by the Crimean War to £805,000,000; since which it has been diminished by £16,800,000; being now, in round numbers, £790,000,000. The ordinary funded debt of France was, in 1814, £52,000,000; it is now more than £440,000,000 and the charge upon it £13,600,000. The total nominal capital of the French debt, funded and unfunded, M. Bonnet states at £560,000,000 and the annual charge upon it (in which he includes the sinking fund and the charge for "*dotations*") at £27,934,948; while the total charge upon the English debt for the year 1863 was (he says) £28,115,667.

These figures are, in some respects, less favourable to England than the writer supposes. The fact that Mr. Gladstone's actual surplus for 1863-4 was only £2,352,000 instead of £3,152,000 as M. Bonnet states, may, perhaps, be hardly worth mentioning. But it is important to notice that the expenditure of either country, as given by M. Bonnet, does not include "departmental and communal" expenses; and there can be no doubt that the expenditure of England under

this head (including, as it does, a single item of some £8,000,000 for Poor Rates, which are unknown in France) is so much larger than that of France as to place the real outlay of the two countries much more nearly upon a level than appears. In the next place, though it is true that since the year 1860-61 there has been an annual reduction of our expenditure, it is also true that our expenditure is at the present moment greater by £4,000,000 than it was in 1858, a year in which the Budget had very imperfectly recovered from the inflammatory attack brought on by the Crimean War. With respect to the French debt, M. Bonnet himself states that a great part of the increase which has taken place since 1814 was incurred immediately after that year for the purpose of "repairing the disasters" consequent on the revolutionary war. It would have been fairer, therefore, to date the comparison from a later year. M. Bonnet contrives to run up the charge upon the French debt to within a short distance of our own; but there is this important difference in favour of France, that no inconsiderable part of the annual charge upon her debt consists of a sinking fund, by means of which the debt itself is in course of gradual extinction. There remains the unpleasant but inevitable reflection that our own debt is still, in actual solid bulk, greater, even on M. Bonnet's showing, by nearly one-third than that of France.

There is, however, a subject of more importance than our financial position considered in relation to that of France; and that is, our financial position considered in itself. In a free country, where the hands

that hold the pursestrings are subject to the incessant, vigilant, and inevitable control of Parliament and the public; in an eminently commercial country, where wealth advances with a steadiness and swiftness elsewhere unknown, and the productiveness of fiscal imposts increases with corresponding rapidity; in a singularly practical country, where the shrewd conduct by individuals of their own business is reflected in the administration of public affairs,—it would be strange if the balance-sheet did not compare advantageously with that of any other nation. Viewed not relatively but absolutely, the picture is by no means so gratifying. In the year 1842–3 our expenditure was £51,167,236; and it remained for the following ten years at nearly the same figure, the amount for 1852–3 having been £50,782,476. Our expenditure for 1864–5 is estimated in round numbers at £67,000,000, showing an increase upon that for 1852–3 ostensibly of about sixteen millions, but actually (when the account is rectified for the purposes of comparison) of about fourteen and a half millions. This is surely a condition of affairs which is very far from being a subject for self-gratulation. That at a time when (exception being made of those petty hostilities in remote parts of the world, which are of comparatively small financial importance, and which moreover are little to the purpose, since they may be said to have long ago assumed a chronic character) we are neither at war, nor to all appearance in the remotest danger of being so, having adopted a non-intervening and strictly defensive policy, our expenditure should be greater by some 28 per cent.

than it was twelve years ago, is a fact to be viewed, if with patience, certainly not with complacency. It is no answer to urge, though the statement is undoubtedly true, that the wealth of the country has increased by at least as large a percentage as its expenditure, and therefore that though there is additional expenditure there is no corresponding addition to taxation. The taxation of the country is heavier by 28 per cent., not than it was in 1852-3, but than it would have been at the present time but for the increase in the national outlay. And that it should be thus heavier is anything but satisfactory. A nation which has made regular annual progress in commercial prosperity, and may fairly calculate upon its continuance in future years, has a right to anticipate, in the absence of disturbing causes, not that the burden of taxation will remain stationary, but that it will become progressively lighter. Every increase in the national wealth implies a proportionate increase in the productiveness of existing taxes, or, in other words, an increase of revenue. But as, by the supposition, nothing has occurred to occasion an increase in the cost of government, the increase of revenue is not required, and a reduction of taxes ensues. Stationary commerce with increasing expenditure means increased taxation; progressive commerce with stationary expenditure means diminished taxation. And if, while its wealth increases, the percentage of its contributions to the treasury remains the same, a nation is deprived of one of the legitimate advantages of commercial improvement, and has certainly no reason to look with unmixed complacency on

the state of its affairs. Still less has it reason to do so when no exceptional cause is at work sufficient to account for the abnormal scale of expenditure which is the source of the evil. If such a cause exists, the evil, however much it may be regretted, should be cheerfully endured ; if not, it is one which calls not only for regret, but for remedy. The idea that a nation, like an individual, should increase its expenditure as its wealth increases, and that therefore any addition to the national expenditure affords no ground for dissatisfaction provided that there is a proportionate addition to the national wealth, is based upon a false analogy. The parallel case is rather that of an individual who, because his income had improved, should authorise his agent to manage his affairs in a more expensive manner, though nothing whatever had occurred to necessitate their more expensive management. Undoubtedly, as a nation advances in wealth and population, the cost of an administration of its affairs proportionate to their extent and importance tends also to advance ; but, speaking generally, it is only after a period of time much longer than that to which the present comparison applies that any marked difference in this respect can have taken place. In the present instance it is obvious that no such explanation can be given of apparently plethoric Budgets.

If we now inquire as to the particular direction which the public extravagance has taken, we find (as was to be expected) that it is that of naval and military armaments. The expenditure on the army and navy (including ordnance) in 1841-2 was £14,882,190 ;



in 1852-3, £15,768,417 ; and the estimate for them in the current financial year is £25,276,000 ; (exclusive of the cost of "fortifications"), showing an increase of nearly ten millions. Thus of the fourteen and a half millions which we have found to be the total increase of expenditure in the present year, as compared with the year 1852-3, no less than ten millions are consumed by the army and navy alone.

The simple truth is (and it seems to be gradually gaining recognition) that, owing to various causes by which the public has of late years been more or less consciously influenced, we have adopted a scale of expenditure only to be justified by the necessity of preparation for imminent war. If, for instance, we had consented, in conjunction with France and for the sake of Poland, to try another fall with the colossal power of Russia, and if, by some chance, the Russian answer to the "*ultimatum*" had been delayed or doubtful for a year, our present outlay would have been no unreasonable one during that year. As it is, we submit to the charge, without having incurred the necessity. We protest loudly against intervention, but not against its cost. We decline to indulge in the luxury, but not to pay for it. We refuse to fire a shot for suffering humanity, but not to incur the expense which was the chief reason for our refusal ; and the only incident of a "meddling" policy which we bear with equanimity is that which we look upon as its principal disadvantage.

If an opponent of reduced estimates be asked what are the grounds of his opposition, there are only two

upon which he will insist with any tenacity :—"reconstruction of the navy," and "our powerful neighbour." With respect to the first, he will forget that he has to account for an extraordinary expenditure, on the army and navy alone, of some ten millions ; that at a cost of one million annually four iron vessels of the most powerful and expensive kind can be annually constructed ; and that we have now been "reconstructing" for several successive years. With regard to the second, there are persons who begin to doubt whether—"our powerful neighbour" having neglected one or two signal opportunities, not likely ever to return, of inflicting upon us the mischief which he is supposed secretly to intend, and it being his interest as well as apparently his earnest desire to keep the peace with this country—this ground for "bloated armaments" is any longer tenable. But, even supposing that it actually exists, the firmest believer in designs of invasion masked under the garb of friendship must admit that there is no such immediate or pressing danger as to require an extraordinary outlay of anything like the present amount. And he should be reminded that, when at length the traitor is unmasked, the quarrel picked, the sword drawn, and the vital force of each combatant about to be tested to the uttermost, it will not be without notice and time for preparation given to this country ; and that she will be all the better fitted to engage in that or any other such desperate struggle for having husbanded her resources, and lived with some regard to a reasonable economy. In this point of view, not only those who are anxious for a

pacific policy, but those who are urgent with the Government to be "prepared for war," should advocate a judicious but vigorous retrenchment.

There is yet another aspect of recent "financial statements" which is calculated to excite emotions other than those of unmingled gratification, and upon which we are to be consoled with not only absolutely, but in relation to most other civilised countries. We are not only spending a very large amount beyond that which we ought to be spending, but we are raising seven or eight millions annually by means of an income-tax. Now there is undoubtedly much to be said on either side of the abstract question as to the comparative advantages of direct and indirect taxation. But there are two practical objections to the income-tax as a permanent impost, the first of which is singularly cogent, the second still more so, and which taken together would appear to be conclusive. The first is the extreme discontent and impatience with which the tax is borne, owing chiefly to the inequality of its operation—an inequality of which the removal has been repeatedly pronounced by competent authorities to be impossible;—the second is, that to treat it as a permanent tax is to lose or greatly impair it as a reserve. That a sound system of finance implies the existence of some highly productive and readily accessible fiscal instrument to which a nation may resort in times of great and costly national emergency, and that in the fulfilment of these conditions the tax upon income is immeasurably superior to any other, will scarcely be disputed. Thus, by using the income-tax

when there is no pressing necessity for it and when it is oppressive, we diminish our power of using it when it is urgently required and cheerfully borne ; by employing it in time of peace we are blunting the edge of our most efficient weapon in time of war. There can be no doubt that the maintenance of this impost is the dark stain upon the bright result of the policy which Sir Robert Peel “inaugurated,” as it is termed, in 1842. Sir Robert Peel’s object—the removal or reduction of certain taxes which hung like a millstone round the neck of industry—was of such extreme and exceptional importance as to justify a temporary use of the national reserve. All that he predicted, and more, was accomplished by its means ; but one essential feature of his programme, the abolition of the income-tax after it had served its turn, remained unrealised. The disease was cured some fifteen years ago ; but the patient is still swallowing annually the nauseous draught which effected the cure. There is no doubt force in the argument that where there is extravagant expenditure it is well that the “governing classes” should be those upon whom the pressure in the first instance falls. But to use this argument is not to deny that the income-tax is an evil of which it is desirable to get rid, but to maintain that it should be got rid of only upon a reduction of the excessive expenditure.

There appears to be some ground for hope that an attempt will shortly be made to remove or mitigate these serious defects of a fiscal condition in many respects extremely enviable ; and, when that is done,

but not till then, we shall be able to read with a less qualified sympathy the panegyrics of French writers upon our own financial prosperity.

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The foregoing observations (which were first published in January, 1865) are applicable to the financial situation of this country at the beginning of the fiscal year which is about to expire. The estimates of the Chancellor of the Exchequer for that year (1865-6) showed a considerable surplus, so that he was enabled to reduce taxation ; that is, to raise the same or nearly the same revenue as in the preceding year at a diminished cost to the taxpayer. It now appears that his actual surplus for 1865-6 will be larger than his estimate of it ; so that in his estimate for the Budget for the ensuing year (1866-7) he will be able to repeat the process of the past year, *i.e.* to raise the same or nearly the same revenue while at the same time he reduces taxation.

It is very desirable to bear in mind to what this process, which affords very general satisfaction and is apt to be thought a complete answer to all complaints, really amounts. It amounts simply to this ; that on account of the increase of the national wealth, the national expenditure is provided for at a lower rate of taxation per head than before. This is no more than might fairly be expected in a country which expects an annually increasing return to its commercial enterprise and industry. It affords no answer whatever to those whose complaint is of enormous and undue

expenditure. That complaint is, not that taxation is heavier by nearly 28 per cent. than it was some twelve years ago, but that it is heavier by nearly 28 per cent. than it would have been but for the increase during those years in the cost of government: that in a time of profound peace there should be placed upon each individual taxpayer an additional burden, which is represented by an aggregate increase of some fourteen millions, beyond that which he would have borne if the expenditure had remained what it was in 1852. This would be an evil, if every member of the community were prosperous and affluent; it is a greater evil, and should be protested against by every one who has a voice to protest, when a large portion of the population is under the dominion of poverty and its faithful satellites—ignorance and vice.

## THE BUDGET AND THE NATIONAL DEBT.

THE Financial Statement for 1867-8 is distinguished from its predecessors of the past five years by that which appears to have been considered unworthy of remark in the assembly to which it was addressed—a very serious addition to the already enormous expenditure of the country. The expenditure of 1866-7 was £66,780,000; the estimated expenditure for the current financial year is (including the sum to be applied in extinction of debt) £68,884,000. From the year 1861-2 to the year 1865-6 the national outlay, vast as it has been, was in steady process of diminution. Last year it suddenly rose by a considerable amount, and this year it is increased again, by double that amount; the estimated expenditure for the current year being greater by upwards of two millions than the actual expenditure of the past, and by nearly three millions than that of the preceding year.

No more than fifteen years ago (in 1852-3) the expenditure of this country was £50,782,000, from which amount it had varied but little during the ten

preceding years. It is now £69,000,000, exclusive of the charge for Fortifications; but the real increase, when the account is rectified for the purposes of comparison, may be taken at about £14,000,000. It is, moreover, nearly as great as that of the year 1854-5, during most of which we were at war with Russia, and more than five millions in excess of that of 1858-9, when the Budget was still charged with heavy expenses on account of that war. The indifference of those who impose the taxes to this condition of affairs, is only equalled by its importance. The extent to which trade is crippled, enjoyment diminished, civilisation checked, and the means which enable those who live by their labour to fight the hard battle of life, abridged, by fiscal imposts amounting to fourteen millions annually, would need no comment, were it not ignored by those on whom the responsibility rests. And what is to be said in its justification? What are the altered conditions which require that a nation which in the fifteen years preceding 1853 was living at the rate of fifty millions a year, should now be living at the rate of sixty-four? We have been for the last ten years not only at peace, but apparently so wedded to peace, that (if exception be made of one or two instances in which war was supposed likely to be a cheap luxury) nothing but direct and imminent danger to the rights or interests of the country could tear us from her arms. We stand aloof from continental quarrels with a persistence of which it is to be feared that the policy is more commendable than the motive. The deeper our sympathy with



struggling nationalities, the firmer is our resolution not to assist them ; and we protest with equal vehemence against any act of rapacity on the part of foreign states, and against any attempt on our part to prevent it. The only one of the evils of war which we do not shrink from encountering, is that which is usually considered the greatest—its expense. We abstain from interference in European affairs chiefly on account of the cost of an opposite policy, which nevertheless we incur. We pay the price, without having the satisfaction, of continental influence. Being called to choose between two evils—the loss of authority in the world, and the high taxation which such authority involves—we solve the difficulty by accepting both. Foreign nations are in the habit of attributing our conduct partly to ambition and partly to avarice, the first of which, they say, causes the sword of England to leap from its scabbard, and the second restrains her hand as with a grasp of iron. They forget that the unsheathing of the weapon is little less costly than its use.

It is replied—for almost any explanation will pass current—that it has become necessary to reconstruct the navy, and some of the implements of war. This, however, is a plea which can hardly be looked upon as serious, considered as the justification of an additional outlay of fourteen millions annually, when it is remembered that reconstruction has now been proceeding for many years; that for a sum of one million, four or five iron-clad vessels of the largest and most expensive class can be constructed, and that even the

most governmental improvidence cannot raise the expense of re-arming the land forces above an amount which is trifling when compared with their total cost. But "continental affairs are unsettled, and Europe is an armed camp." There might be something in this argument, if either it was proposed that we should settle continental affairs, or the armed camp was suspected of any design upon, or even any thought about, ourselves. As it is, the argument is one for the opposite side; for the more earnestly foreign nations are intent upon mutual trucidation, the less leisure or inclination they will have to operate upon ourselves. The absurdity of submitting to sacrifices imposed on foreign states by quarrels and jealousies in which we have no kind of participation, and which would effectually prevent them from injuring us even if they were so disposed, is, one would have thought, self-evident. The truth, however, is that the nightmare of French invasion, originally due to a letter of the greatest military authority of the time, written in extreme old age, and bearing unmistakable signs of it,\* is still, though we are rather ashamed to confess it, haunting our dreams. The ridiculous notion that France might suddenly pick a quarrel with us and carry England by a *coup-de-main*, has not yet quitted its hold upon the public mind, or ceased to find its

\* In this letter it was actually stated that (except immediately under Dover Castle) there was not a spot on the coast, from the North Foreland to Portsmouth, on which infantry might not be thrown on shore at any time of tide, with any wind, and in any weather. It is hardly necessary to say that this could not be truly asserted of any shore in the world.

way into the pockets of our hard-working poor. For its sake we are content to throw away the advantages, political and geographical, which nature herself has bestowed upon us, and to place ourselves on a level with those to whom they have been denied. A stormy sea protects us, and we refuse to profit by its shelter. We boast of our freedom, and surrender one of the greatest benefits which freedom confers. Large standing armaments are proper to despotic institutions ; to dispense with them is the privilege, as well as the safeguard, of free communities. Despots, who do not consult their people on questions of peace and war, who tax them without their consent, and deaden their patriotism by denying to them the privileges of citizenship, may be under the necessity of maintaining vast military establishments, both for the repression of liberty in their own country, and for defence against hostile aggression. The Government of a free people is under no such necessity. It may count, in emergency, on receiving from those by whose consent it rules, whose wishes it consults, whose public spirit, intelligence, and enterprise are brought into full play by political liberty, and whose progress in commercial wealth has been unchecked by excessive taxation, a patient, devoted, and self-sacrificing support which is worth far more than fleets and armies. In the case of any country whatever, it must be a question whether the national interests can best be protected by costly establishments in time of peace, or by the development, when danger threatens, of an inexpensive nucleus of force. But for a country which not only

claims to possess political freedom, but is surrounded by the sea, permanently to inflict upon itself the cost of enormous armaments, is surely the very quintessence of unwisdom.

Thus, then we are brought naturally to that which, disguise it as we may, is the real root of the evil—the fact that those who impose the taxes, and those who suffer from them, in any serious sense of the word suffering, are distinct classes. The taxation decreed by one class seriously affects not that class, but another which has no choice but to submit. It is vain to adduce in answer, figures showing the proportion borne by the payments of individuals to their incomes. Between fiscal exactions which diminish the luxuries and those which curtail the bare necessities of life, there is no place for such comparisons. A shilling in the pound on an income of twenty pounds, cannot properly be compared with the same percentage upon an income of a thousand. One is an inconvenience, the other a calamity. It is true that the readjustment of taxation which would probably follow the admission of the working classes to a due participation in political power, and which would throw a larger share of the public burdens upon those best able to bear them, would to some extent both mitigate the evil of extravagant expenditure, and diminish the inducements to abstain from it. But it would be impossible to raise a revenue sufficient for the wants of the country in such a manner as that the pressure would not be severely felt by the labouring class; and if that class were duly

represented, we should hear no more of "bloated armaments." A reform which would give real, and not only nominal representation to so-called electors, and would at the same time include in their number all those who could be included in it with safety, would put an end once for all to that "ignorant *patience* of taxation," of which Chancellors of the Exchequer, ashamed of their own estimates, are apt to speak.

It is to this remedy, and to this only, that we can now look for economy, not only in the amount taken from the public by the Treasury, but in the mode of its application. The nation is not only taxed for purposes which are unnecessary, but for purposes which might be effected at much less expense than that which it is required to pay. That such is the fact we may be sure, not only from the confessions of officials out of work, but from the nature of the case. Something more than responsibility to an assembly elected by those to whom taxation is no serious evil, is required to counterbalance the tendency of administrative authorities to squander the public money. Until real political liberty is obtained by the better portion of the industrial community, the time-honoured process of Augean accumulation in the two most expensive departments of the Government will never be disturbed.

It is this year of a Budget plethoric even beyond recent experience, and when there is a disposition in all other respects to increase rather than diminish the public burdens, which has been thought a fitting

opportunity to make for the first time, that which in some degree approaches to a serious attack upon the national debt, and which actually is a serious attack upon the national pocket ; the taxpayer being deprived to the extent of £1,000,000 a year for the next twenty years, of the benefit to which he was fairly entitled, resulting from the annual increase in the wealth of the country. It becomes, therefore, all the more important to consider whether or not there is any real foundation for this new-born zeal for the reduction of debt. What then are the arguments in support of the principle of reduction ? In the first place, it is advocated on the ground of justice, or moral obligation. Let us see how far it can really be said to bear that character. Speaking generally, a state has no right to contract obligations for which posterity is answerable—for the simple reason that it is unjust to a nation, as to an individual, to make in its name bargains, involving the fulfilment of onerous conditions, without its own consent. The claim to such a right could only be justified, if it could be alleged that a given generation has power in all or most cases to judge not only what is best for posterity, but what posterity would consider best for itself.

And that this cannot be alleged, it is needless to say. As a matter of fact, the loans contracted by Governments, on the plea (where any plea was thought necessary) that they would be beneficial to future generations, have proved to be singularly the reverse. The greater part, for instance, of our own debt was incurred for a purpose which is now looked

upon with general disapproval, if not abhorrence, in this country. The only instances in which a state can be justified in resorting to loans imposing any serious permanent charge upon its people, are of that rare and exceptional kind in which it would be admitted on all hands, beyond doubt or question, that the step is imperatively necessary for the interests of the country throughout its national life,—such, for instance, as when its independent existence is in danger. In other cases a nation ought, if it resorts to loans, to provide, either by borrowing in terminable annuities or by some form of sinking fund, for the extinction of the debt within no very distant time—such a time as that the nation shall no longer bear the burden when those who constitute the nation can in no sense be said to be responsible for its imposition. But the case is altogether different when the proposal is, that provision should be made by the present generation for the reduction of a debt contracted not by itself but by a generation long past. On whatever other ground this may be advocated, justice cannot be appealed to in its support. For the burden of the debt, not the nation as it is, but the nation as it was in times long past, is accountable; and the only moral obligation resting upon this or any succeeding generation is that, which is also a legal obligation, of keeping faith with the public creditor by paying the interest of the debt. It has been urged, indeed, by high authority, that the benefits which we have received from former generations impose upon us the duty of handing down equivalent benefits to our successors,—in other words, that

so far from owing, as it has been said we owe, nothing to posterity, we owe to it, as a mere matter of justice, all the good which we have received from former times. The answer is obvious, that if the question is to be treated as one of mere justice, and if in strict justice we owe to our descendants that which our ancestors have bequeathed to us, it follows that we owe to them the very burden from which we are now asked, at a heavy cost to ourselves, to contribute to their relief. It is obvious that the course proposed is not one of justice, but of generosity—not of moral obligation, but of mere benevolence. Nor is there, at first sight, anything unreasonable in appealing to the generosity and benevolence of a given generation of men, to alleviate at their own expense the burden of those who come after them. But generosity may be carried too far. The greater part of the revenue of this country proceeds from taxes upon the necessities of mere existence, and which are paid by those to whom it is real suffering to pay them. And so long as there remain any taxes of this nature, for the removal or reduction of which the money which it is proposed to employ in the extinction of debt would be available,—in other words, so long as there are any such taxes which might be remitted, if the purposes for which they are raised might be provided for by means of the money to be applied in the reduction of debt,—so long it cannot be considered that this particular kind of generosity is either laudable or justifiable.

This view of the question assumes still greater importance when it is remembered that the majority



of the working classes are, and will probably long continue to be, without any voice in the matter. And not only have they no voice in the matter, but it is certain that if they had, the proposal is one to which they could not be expected to assent. That they should be called upon to support, for the benefit of posterity, more than their own share of a burden inflicted upon them by a former age for the purpose of carrying on a war, of which, whatever else may be said of it, the avowed object was to force upon a high-spirited people struggling for freedom, a detested and detestable tyranny, is more than any one would be bold enough to suggest to them if, with a due regard to the general interest, it were possible that they should have a share, in any degree proportionate to their numbers, of political power.

It seems impossible, then, to avoid the conclusion that, in the present condition of this country, any attack upon the national debt involving pressure of any importance upon the taxpayer is inexpedient; while, to the particular measure now proposed, there is the additional objection that it gives the minimum of relief to the future, at the maximum of cost to the present. Nor is it probable that the proposal would ever have become popular, but for the celebrated "coal argument," which seems now to be generally rejected, and of which it would be sufficient to say, that it assumed a rate of progress in the commercial wealth of the country which, if there were any possibility of its being realised, would reduce the national debt, before the time fixed by a postulate of the argument

for the termination of our superiority in respect of coal, to a trifling inconvenience. There is, however, less reason to regret, in the interest of posterity, this conclusion than at first sight appears ; for the national debt is an evil which contains within itself the germ of its own decay. The twenty-six millions annually which it now costs, bears a steadily decreasing proportion to the resources of the country. The burden itself does not vary ; but the power to sustain it increases. It is literal immortality, but virtual dissolution. The figures on the balance-sheet remain the same ; but the pressure upon the taxpayer must diminish with increasing wealth. And this, it is to be observed, independently of any gradual decrease in the value of the precious metals,—of all consideration that the twenty-six millions in gold due to the national creditor, is in all probability an obligation which time, science, and enterprise are in league to wear away.

## BRIBERY AT ELECTIONS.

FIFTY-EIGHT members of an assembly professedly representative, in a country whose population is about thirty millions, and which is perpetually congratulating itself on the possession of self-government, are returned by eleven thousand electors, being the aggregate constituencies of thirty boroughs,—that is to say, by less than one six-hundredth part of the whole adult male population, and less than a hundredth part of the whole electoral body;—a statement which may afford some idea of the extent to which not only the people in general, but the electors, are in the enjoyment of real representation and of that political liberty which representation is intended to confer.

These eleven thousand electors, finding their suffrages far more valuable than those of voters in general, but having no greater interest in politics, nor any superiority, intellectual, moral, or material, and being usually without any means of judging as to the particular merits of candidates unchosen by themselves, are, it appears, for the most part in the habit of selling their votes to the highest bidder, or at least of requiring a sum of money as the condition

on which they vote. The state of the case, then, is this. An amount of political power sufficient to influence in a very important degree the present and future welfare of the whole community is placed in the hands of an extremely small number of persons, not one of whom is supposed to have any special claim to its possession; and the members who are thus sent to Parliament with the fate of the nation in their hands are sent there (speaking generally) for the simple reason that they have money to spend, and are willing to spend it. A more disastrous distortion of the whole theory of representation it is difficult to conceive. Representative institutions, as distinct from other political systems, have two objects in view—a Legislative Assembly composed of men whose character and capacity afford security for good government, and (irrespectively of good government) the mental and moral welfare of the electors. The result of existing arrangements, so far as these borough voters are concerned, is a degraded electoral community, and a plutocratic Legislature.

The facts thus stated in the way of illustration sufficiently explain the nature of an evil which affects a much larger portion of the House of Commons, which appears to be rapidly gaining ground, and which is the object of much clamorous censure. What, then, are the remedies which have been proposed for it? That which seems to find most favour is the direct and easy one of penal inflictions;—some persons appearing to suppose that the proper mode of preventing bribery is to send both the seller and

buyer of a vote to prison, with more or less of hard labour as the case may be found to require. It is forgotten that punishments are not effectual in proportion to their severity, and that there are many offences of the gravest character which it is inexpedient to visit with any legal punishment at all. Can any one who has read the proceedings of the recent Bribery Commissions suppose either, on the one hand, that a slight punishment would be sufficient to put an end to the practice, or, on the other, that a severe punishment would be tolerated by public opinion and otherwise than a dead letter? The success of legal penalties depends on their severity only in so far as that severity meets with general approval. Excessive punishments are either insupportably tyrannical or wholly inoperative; and a punishment is excessive which any large portion of the public habitually considers disproportionate to the crime. In this case, it is perfectly evident that electoral corruption is looked upon as an offence for which the most appropriate treatment is rather a kind of pleasant banter than any very serious condemnation; and, on the other hand, that it is an offence of which the habit is inveterate and ingrained in the electoral mind. In other words, it is an offence for which a heavy punishment and a light one would be equally ineffectual. Even were it otherwise, the extreme difficulty of convicting offenders would be an obstacle, apparently insuperable, to success. This is even now all but impossible as regards the peccant candidate, upon whom social discredit, supplying the place of a legal

penalty, acts as a stimulus to the easy task of evasion ; and it would be equally so as regards the elector if a legal penalty were in question. In order to ensure the punishment of bribery, it is necessary that legal proof should be readily attainable not only that money was given, but that it was promised, and not only that it was given or promised, but that it was so on a certain stipulated condition ; and to obtain such proof, if both the parties to the arrangement are thoroughly determined to prevent it, is barely within the bounds of possibility. And to make them thoroughly determined to prevent it, all that is required is that the transaction should be punishable by law. It would be little less difficult to enforce penalties for secret bribing than to enforce them for private gaming, which is generally admitted to be impracticable ;—the State being obliged to content itself with preventing, so far as is possible, anything like public encouragement of the practice. On this ground, then, if on no other, the penal remedy would in all probability fail.

But even supposing that penal inflictions could prevent bribery, it would not follow that they were expedient. As already observed, there are many serious offences against society which cannot properly be made the subject of penal legislation, however competent to repress them. In the present case, assuming that severe punishment for bribery would be effectual, there is reasonable ground for question whether it would be just. Is the moral delinquency of the bribed elector of a kind and degree for which,

supposing punishment to be in other respects expedient, the State could properly inflict it? Having placed him in a position of peculiar temptation by giving an inordinate and unnatural value to his vote, ought the State to single him out for signal vengeance? In what essential respect, he may further plead, is he morally worse than the minister who distributes his patronage not with a view to the interests of the public service, but so as to reward his friends or gain over his opponents? or (which is still more to the purpose) than the tradesman who votes because a customer will otherwise leave him, or the farmer who votes because he fears to lose or expects to obtain a farm—neither of whom (whatever opinion may be formed of their conduct) any one proposes to punish? Moreover, it seems certain that the *motives* of men, as distinct from their actions, are not, in any but very extreme and exceptional cases, a proper object of penal laws. It is not for what they do, but for the reason why they do it, that it is proposed to punish the purchased voter and the purchasing candidate. It is because the motive which determines the vote of the bribed elector is not the public interest that he is deserving of censure; and if that motive is any other than pecuniary advantage, such for example as personal feeling, irrespective of political opinions, for or against a candidate, no one thinks of punishing it. What has to be shown, therefore, is that there are special circumstances which exempt pecuniary gain from the rule which forbids the infliction of legal penalties for motives of action;

and to show this would be a matter of no small difficulty—of difficulty which must be added to the other reasons against the penal treatment of this offence. Nor should it be forgotten, as one of the most important of those reasons, that to make men moral by Act of Parliament is to deny to them the inestimable opportunity of becoming so themselves.

There is one kind of punishment, of a negative character, which is or is supposed to be in operation as against bribery, and which seems to require special notice, if only because it is advocated by many persons who are opposed to the infliction of more positive penalties in the case; and that is disfranchisement. It might be sufficient to observe that this punishment has hitherto been found entirely ineffectual to prevent electoral venality, and that there is no reason to suppose that the causes of its impotence—one of which is the extreme reluctance to enforce it—are in course of removal. But, if effectual, would it be expedient? This, certainly, is to be said in its favour, that the disfranchisement of a constituency is a redress *pro tanto* of the balance of political power, since it implies the transfer of the vacant seat or seats to a more numerous electoral body. But some of the reasons which we have found to exist as against more positive penalties are valid also as against this punishment. It is unjust, after giving men votes, and at the same time providing them with inducements far beyond those of ordinary electors to use the gift for their own private advantage, to deprive them of those votes because they have yielded to the temptation.



Electors who, by the supposition, are in other respects qualified for political power ought not to be deprived of it because they have done that which it is to be presumed electors in general would do if the State had placed them in the same anomalous position in which it has placed the offenders. The remedy is to rectify the anomaly, not to withdraw the privilege. Moreover, any large disfranchisement, where the franchise is necessarily restricted, is, on the score of public freedom, a serious evil, and should not be resorted to except in extreme need. These remarks apply to the disfranchisement whether of constituencies or of individual voters. But to the former there is the great additional objection that every constituency contains electors who are proof against corruption, and that to confound them in the same punishment with the guilty is flagrant injustice ; and the evil is aggravated by the consideration that the very men who are thus deprived of the franchise are those who, by resistance to extraordinary temptation, have proved themselves peculiarly fitted for its exercise.

The other expedient which is most frequently suggested for the suppression of the trade in votes, far from being direct, is so much the reverse that at first sight it seems to have no bearing at all upon the subject, and is yet as confidently recommended as if it were the most direct and obvious remedy imaginable. The real cure for bribery, we are told, is the ballot. In other words, if no one can find out how a man votes, he is sure to vote disinterestedly. The

very contrary, one might suppose, would be the effect. If there is one thing more than another that keeps men moral, it is public opinion. If there is one thing more than another which prevents a man from preferring self-interest to public duty, it is the feeling that he will be generally known to have done so. And that such would, in fact, be the effect of the ballot, in other words, that the ballot would to a great extent defeat its own object, is clear. Voters who are now independent, and who are so partly because by being so they obtain the approval of others, and consequently their own, or simply because by being so they "stand well with the world," would lose this important and in many cases paramount inducement to independence. If any one will fairly consider the extent to which his own conduct and that of the community in general is influenced by the opinion of others he will be able to estimate the extent to which the standard of electoral morality would, *cæteris paribus*, be lowered if the support of publicity were withdrawn. But here the ballotist interposes. "*Cæteris paribus*," he says, "you are right; but *cætera* in this case are not *paria*. Granted that, so far as will was concerned, the voter would be more likely to succumb to self-interest under a secret than under an open suffrage; the difference is, that it would not be in his power to do so. With every wish he would be unable to be dishonest. There being no bribers there would be no bribed." "But why would there be no bribers?" you ask, in some surprise. "Because no one would be sure that the

voter having been paid to promise his vote would perform the promise. He would take the money and vote on whichever side he pleased." In other words, he is a liar and a scoundrel as complete as can well be conceived. It is somewhat strange that those who form this estimate of British electors should be those who are most anxious to increase their number. One thing is certain, that they are under an entire misapprehension as to the facts of the case. The British borough elector has, as we have seen, a low enough conception of political ethics, but he is not such a rascal as his friends would have us believe. From a general knowledge of his character it may be inferred—and from the facts of the case as brought out in evidence before the recent Commissions it is certain—that, while here and there a voter may be found who is knave enough for anything, as a rule an elector who is not ashamed to sell his vote will never dream of violating his share in the compact. Ballot might become law; but the sleek, hilarious, and pseudonymous gentleman would arrive precisely as before; would take a room at the "Red Lion" or the "Crown," and would proceed to dispense his favours with the most serene confidence that, in general, they would be returned. The number of his customers who were treacherous as well as corrupt would, as we have seen, be increased by a law securing to them concealment and impunity; but no one who knows anything of the general character of the borough voter, or has read the proceedings of the Commissions, can suppose for a moment that conduct of this kind

would be general, or that there would be any such apprehension of it on the part of candidates as would make borough electioneering cheap. On the whole, secret voting (whatever might be its effect upon that less palpable kind of electoral immorality which is euphemistically termed "undue influence") would increase treachery without diminishing bribery.

Further, the ballot, even supposing that it could be effectual for the suppression of bribery, would remove only a part of the evil of which bribery is the cause. That evil so far as regards the elector is of two kinds, positive and negative. The positive evil is the demoralisation of the voter; the negative evil is the loss which he incurs of the benefit in the way of mental improvement to be derived from an independent participation in political affairs. But this benefit he would also in a great measure lose if the part which he took in political affairs were secret. In order that he may receive it in any but a very imperfect degree, it is necessary that his political life should not be isolated and in the dark, but passed in open association with those who have the same privilege as himself;—that his opinions should be formed and advocated in full and free discussion with his fellow electors, and that he should neither be ashamed nor afraid to confirm them by his vote. Thus, even assuming that the ballot were successful as against bribery itself, though the positive injury which it inflicts upon the elector would be removed the negative injury would in great part remain. In other words, the ballot, supposing that it could by

any possibility avail to prevent electoral venality, would restore to the voter his independence, shorn of half its value. Political liberty, which by the sale of his vote he virtually surrenders, would be secured to him in spite of himself: but it would be secured to him by an expedient depriving him of one of the chief advantages which make political liberty an object to be desired.

There is another supposed specific for bribery, which (however desirable it may be on other grounds) is so far from being one that its claim to the character seems scarcely to require notice;—the extension of the franchise. It is of course true that to extend the franchise is to enlarge constituencies, and that the smallness of constituencies is one cause of bribery; but, on the one hand, the addition which would thus be made to the number of electors in those boroughs where bribery now prevails would (speaking generally) be wholly insufficient to counteract it; and, on the other, the class of voters admitted to the suffrage, being of a lower social grade than those who now possess it, would, it must be supposed, be still more amenable to the action of corrupt motives. Household or even universal suffrage would not, in the smaller boroughs, so far widen the electoral area as to place it beyond the cast of the golden net, while at the same time they would bring within its meshes an easier prey. It is certain that, other circumstances remaining as at present, mere enfranchisement would on the whole increase instead of mitigating the evil.

It seems evident, then, that the remedies which

have been resorted to or recommended for this, the most coarse and offensive species of electoral corruption, are all either ineffectual or inexpedient. Nor is it difficult to see, from what has been already said, that the whole question has been habitually considered from a wrong point of view. Bribery has been treated as an abuse in the present state of human nature necessarily incidental to representative institutions, and which must be provided against by special legislation. The fact on the contrary is that bribery in this country is the consequence of a thoroughly vicious electoral system—of a system the supposed object of which being to confer self-government upon certain persons whom the State has thought it right to select from the rest of their countrymen for that privilege, signally fails to accomplish that object. To those who consider that system as perfect, or nearly so, this remark is of course inapplicable. Such persons are consistent enough in resorting to one nostrum after another for a cure; and their error consists simply in supposing that each in turn will either be effectual or less mischievous than the disease. But, by those who believe that the representative institutions of this country, considered as an instrument of political liberty, are full of the most signal defects, it ought to be seen that bribery is simply one of the evils consequent on those defects, and that the remedy for it is to be sought in their removal. If they had perceived this, they would long ago have ceased to waste time in the discussion of futile expedients, directed not against the origin of the

disorder but against its symptoms, and would have derived from the increased flagrancy of the evil fresh encouragement to eradicate it by removing its cause.

The particular defects in the electoral machinery of this country which lie at the root of bribery are two. The first is that which has already been noticed—the unequal distribution of political power. It is time that bribery should take its proper place as one of the evils incidental to a system which places the government of a great country to a very considerable extent in the hands of a small number of persons, with no claim whatever to the privilege, in a few unimportant localities. There are many reasons why two hundred electors in one part of the country should not return two members, when twenty thousand electors in another part of it return only the same number; but one of those reasons is that the two hundred electors will be offered money for their votes, and are very likely to sell them. Being few in number, the voters are able to demand a price which the candidate can afford to pay, and which in their condition of life is enormous; and on the other hand, while the State has given them a privilege which it has denied to most of their countrymen and given to others only in a far inferior degree, it has taken no security for proportionate mental superiority or material independence. Having assigned by its arrangements a fictitious and unnatural value to the vote and no corresponding immunity from temptation to the voter, there is only one greater error which it could possibly

commit—that of being surprised at the result. Even those who are most urgent for a “redistribution of seats” do not appear to be aware of the full extent to which their case is strengthened by this consideration. Session after session they join in the endless, profitless, and at best only half in earnest cry for the punishment of bribery, and so lend their authority to the delusion that bribery is to be put down by penal laws, instead of making use of the natural and powerful leverage which it supplies towards the attainment of that which is or ought to be their object—the gift of real representation to the people of this country.

It is, then, in as near an approach as possible to that equitable apportionment of members to electors, the perfection of which, so far as those electors are concerned, is the perfection of political freedom, and the utter absence of which is the utter absence of that freedom,—to that ideal of representation of which all true reformers are really, though often unconsciously, in search, and which, in spite of the too successful sophistries and plausibilities with which the question is surrounded, in spite of specious phrases about the “representation of classes,” and “anomalies and irregularities,” wholesome rather than otherwise, they will never rest till they obtain—that the more direct and immediate remedy for venal voting is to be found. Every step towards this consummation is a nail in the coffin of bribery. But, though the most direct, this is not the only weapon with which bribery must be encountered. Under the most perfect “distribution of seats” the size of the constituencies (unless we are



to suppose an approach to universal suffrage such as would be neither tolerated nor tolerable in this country, or else a great diminution in the number of representatives) would not be large enough to put bribery, to say nothing of "undue influence," which is a monster less dependent for success on the small number of its victims, out of the question. As has been said, there is another defect in our representative system which must be remedied before bribery can be slain, or which, even if bribery could be destroyed without its aid, would be necessary to cure the disorder of which bribery is only a symptom. The representative principle, properly applied, though it might be powerless against the pressure of "undue influence" in cases where resistance would be ruinous, claims to exclude the mere barter of votes for money, by supplying, except in minds sordid beyond the average, a better motive than money for electoral action. One of the two great reasons why electors are bribed is that they care very little who is returned to Parliament for the constituency to which they belong, or what are his political views. Is this to be wondered at when it is considered that, on the one hand, they can scarcely be said to have any field of choice at all ; and, on the other, that whether they vote on one side or the other, or do not vote at all, they have commonly about an equal chance of not being represented, or rather of being misrepresented, in Parliament ? Is it to be wondered at that, when one or two persons are presented to his choice of whom he knows nothing either good or bad, or only the latter, the voter is

indifferent as to which of them may be his representative? Is it surprising that a Liberal elector with a very good prospect of being represented by the Tory candidate, or a Tory elector by the Liberal candidate, takes no particular interest either in the process by which his views are ascertained, or the mode in which the government of the country is carried on? The wonder would rather be if any spark of such an interest were discoverable in him. It is commonly answered that the opinions of electors who are out-voted in their own constituencies are represented in others. But, in the first place, this statement is true only where the opinions which they hold and care about are those held by one of two great parties which happen at the time to be contending for power, and by one or other of which all active political opinion is exclusively absorbed;—it is a mere accident of the case, and by no means, even now, universally applicable. And, in the next place, it is one thing to be represented by a person whom the elector has himself chosen, and another to be represented by a person who has been chosen for him. The difference is quite enough to decide the question whether the voter shall take a great interest, or none at all, in political affairs. The truth is, that the system of representation by local majorities, which is common to most existing representative institutions, is wholly inconsistent with the true ideal of representation. That ideal implies that every man qualified for the electoral privilege should feel that he has a part, equal to that of any other elector, in the composition

of the ruling assembly ; under existing representative systems nearly half the electors may be in theory, and a very large number of them are in practice, totally without any part in it whatever. The ideal of representation, moreover, implies that the voter shall have free range for his electoral faculty among the best, ablest, and most distinguished men who are willing to offer themselves for his choice ; existing institutions limit him, in most instances, to a few whom the local attorney, or the Treasury “ whip,” or the place-hunters of the Carlton or Reform have provided. The difference in the two cases is enormous. It is no less than the difference between political life and political death ;—the life in which independence, patriotism, and mental enlightenment are born, grow, and expand ; the death of which ignorance, selfishness, and servility are the result, and electoral corruption the most salient proof. Nor is a representative system conforming in these respects to the ideal by any means an impossibility. Such a system has been framed and proposed in this country by Mr. Hare, and has been adopted with success by a foreign nation. It has been received in this country with the sneers, customary in such cases, of the ignorant and unreflecting ; among the more thoughtful and enlightened *laudatur et alget* ; the reasons given for such a reception in both cases being its novelty and alleged complication ; the first of which is anything but complimentary to the national character, since it implies that nothing which is novel, however excellent, has any chance of general acceptance ; and the second proceeds upon the sup-

position that the complication of the scheme (which means a certain minuteness of detail necessary for the application of a perfectly simple and intelligible principle) is a greater evil than the injustice, inconsistency, and demoralisation which characterise the present system. But, inasmuch as the proposal is based upon reason and justice, there can be little doubt that it will ultimately prevail; indeed it is to the complete adoption of this scheme that the views and arguments of those by whom each successive victory in the cause of progress has been gained are (though they are often themselves unaware of it) really directed. Except in "personal representation" there is no real political liberty; and of this one reason is that there is no other way of giving to the voter that intelligent interest in the general welfare, and therefore in the choice of his representative as connected with that welfare, which can compete with his indolence and self-love. Under Mr. Hare's scheme the elector has, in a general published list of candidates, for any one of whom he may vote in the order of his preference as shown by his voting paper, some possibility of choosing a representative in whose ability, wisdom, and patriotism he has confidence, or whose political opinions he approves; and, on the other hand, instead of a very fair chance of being wholly unrepresented or misrepresented, he has the certainty of a share, and a share equal to that of any other elector, in the choice of the governing body. There can be no doubt that under this system not only the number of persons proposing to enter Parliament, but their qualifications

for the trust, would be greatly increased. The entire roll of candidates, thus enlarged and enriched, would be open to the elector, instead of the miserable sample with which he is now in very many cases obliged to be content; and he would at the same time vote with the knowledge that his own political opinions, or those of some person in whom he could trust, would be expressed in the general assembly. Under such a system there might still be bribery; but it would unquestionably be far less systematic, general, and shameless than at present; and for the extent to which it existed the responsibility would rest, not, as now, upon the State, which, by a blundering misconception of the representative principle, has gone far to create it, but simply upon those infirmities of human nature which governments may foster, but cannot remove.

It may be hoped, then, that bribery will in future take its proper place in public estimation as the result of defective political institutions acting upon a condition of public morality too imperfect to resist their operation; that we may shortly see the end of the fruitless and mischievous tendency to resort to styptics for the political Pactolus, which can only be arrested by drying up its source; and that the cure will be sought and found in the readjustment of our political system so as to confer real self-government upon electors, including, as such a process would, the twofold change which has been indicated,—a redress of the balance of political power, and security to the voter that he may, if he pleases, be represented in

Parliament by some person whom he has chosen because that person was, in his opinion, the fittest who could be found for the business of legislation. Of this at least there can be no doubt, that bribery is growing, to the prejudice of public liberty, the deterioration of the national character, and the discredit of free institutions; and that if men will continue their attempts to mitigate the symptoms of the disorder instead of striking at its root, it will advance at steadily increasing speed, with what fatal consequence, probable if not certain, to the cause of freedom and the destinies of a great nation, it is painful to foresee.

## THE "MISSION" OF RICHARD COBDEN.

It is long since there left the world any one who deserved so well of it as Richard Cobden. To say this is indeed, in one sense, to say but little. For the acts of those who have had it in their power to influence the destinies of mankind, mankind has in general small reason to be grateful. In account with humanity, the public characters have been few indeed who could point with satisfaction to the credit side. But of Cobden's career there are results which none can gainsay. Vast, signal, and comprehensive, they disarm alike both competition and criticism. The two great triumphs of his life were the repeal of the Corn Laws and the Commercial Treaty with France. Of these, the first gave food to starving millions, redressed a gigantic and intolerable abuse of political power, saved an empire from revolutionary convulsion, and imparted new and irresistible impulse to material progress throughout the world; the second carried still further the work which the first had begun, ensured, sooner or later, its full consummation, and fixed, amidst the waves of conflicting passions and jarring interests, deep in the tenacious ground of commercial sympathy, a rock for the foot of Peace.

But, though Cobden's public life is admired by most Englishmen, its real scope and nature are understood by very few. The prophet was not without honour, but he was almost entirely without comprehension in his own country. Being asked on one occasion to take part in some project of interest or pleasure he declined, on the ground that he had a "mission." What, then, was the "mission" of which he spoke? What was his distinctive character as a public man? The prevalent notion entertained respecting him among well-educated Englishmen is that he was the apostle of Free Trade, with a strong and rather dangerous tendency towards democracy and cheap government, and a disposition to peace at any price on account of the costliness of war. It was reserved for foreigners to appreciate the greatest Englishman of his time, and for a foreigner to describe him justly. He repealed the Corn Laws; he fought and triumphed for Free Trade; he advocated peace; he deprecated national extravagance; and broke a lance, when occasion occurred, for political liberty. But these acts of his were but means to an end; illustrative of and subservient to the great object and idea in the service of which his energies were employed and his life sacrificed;—for the true political definition of Cobden is that which the foreigner supplied—*an international man*.

It is strange, but it is true, that there had been no international men of any note before his time. For what is internationalism? Suppose a community which, from whatever cause, was without laws or



government of any kind. In such a community every man would be the guardian of his own rights and interests, and compelled to bear arms, offensive and defensive, to maintain them. Bloodshed and every kind of misery, the hideous brood of anarchy, would abound. The state of affairs, even among savages, would be intolerable; and it would not be long before some one would propose the natural and obvious remedy—political institutions. Suppose further (the case is conceivable) that the proposal was met with contempt on account of its alleged impracticability. Suppose that it appeared, or was asserted, that there was such an utter dissimilarity of views and feelings, such an intense individuality, in the different members of the community, that the attempt to unite them under any form of government or any regular system of law was hopeless. Suppose, nevertheless, the author of the proposal to persevere. Suppose him to contend that the alleged objection to it had no foundation in reality, but was the offspring, rightly considered, of mere prejudice and error;—that if men were, as they affirmed, thus self-centred, dissimilar, and antagonistic, they ought not to be so; and that, if the evil was real, the remedy rested with themselves. Suppose him to represent that if they were sensible men they would mitigate for the common good the intensity of their individualism; that if they were Christians political intercourse with each other should be a pleasure and not a pain. Imagine him to urge that for the sake of a mere sentiment, puerile, barbarous, and eminently pagan, they were deliberately

impoverishing themselves, and leading a life proper to wild beasts rather than to men ; that for the sake of a prejudice against each other the result of deep-rooted habit, they were content to live in a condition of constant anxiety and suffering, diversified with occasional outbreaks of violence and bloodshed ; and that while they bitterly complained of the cost physical and mental of such a state of existence, they were ready to endure it rather than abandon the precious possession of individuality, self-concentration, and self-dependence, handed down to them by their ancestors, with all its train of selfishness, jealousy, reciprocal animosity, and mutual misunderstanding, and which by some strange hallucination they were accustomed to look upon as a good rather than an evil. Suppose all this, and you have supposed a case which actually exists. For the community of nations is a community precisely such as has been described ; internationalism, in its ultimate scope and full development, is the doctrine supposed to be taught and rejected ; and the teacher of that doctrine is the international man. Is it not strange, then, that Cobden should have been the first to teach it ? Still more strange that he should have been treated by the influential classes in his own country as a man who—well-meaning, no doubt, and eminently successful in his line—was yet hovering on the verge of lunacy ?

Time out of mind the individuals of which the community of nations is composed have been willing to live as no other community could live—without a

polity and without laws.\* Of the terrible evils which result, one, though possibly not the greatest, is war. This evil is so vast and conspicuous that it shocks and sickens humane men; and nothing is more common than to hear discussions on the question whether or not war is lawful. But if war is unlawful, then, in the case just supposed of a community consisting of individual persons, it is unlawful for each of them to protect his own rights in the absence of any government to protect them; a doctrine which no one possessed of common sense will be found to maintain. The natural and necessary result of international anarchy is war, just as the natural and necessary result of national anarchy is personal violence. But war is not, because international anarchy is not,† an inevitable condition of human affairs. War is, because international anarchy is, excusable enough as between barbarous communities. But among civilised and enlightened nations war is, because anarchy is, a scandal and a shame. It is this evil—this anarchy of nations—which has wrought more misery and prevented more happiness than perhaps any other of the self-inflicted torments of humanity. It is an evil which is as grave in its negative as in its positive aspect; which has cursed the world, not only by drenching it with blood and

\* It need hardly be said that "International Law," which there are no established tribunals to administer and no means which can be relied on to enforce, is not law in the ordinary sense of the word.

† To civil war, which is happily rare, and implies no maintenance of standing armies, this and the following statements are, of course, inapplicable.

letting loose upon it the foulest and fiercest passions, but by placing between the human mind and the intellectual and moral improvement resulting from the political and social intercourse of human beings an impassable barrier. But instead of being treated as a calamity of this hideous complexion, it is habitually looked upon with complacency and self-gratulation. In the opinion of the generality of men, this absence of political intercourse between nations is a happy disposition of Providence, which it would be impious in human creatures to disturb. The class of persons in this country who sing "Rule Britannia" experience in doing so a thrill of conscious virtue, and a comfortable sense of duty done which confirms them in the practice. The Frenchman with his *gloire* and his *grande nation* feels elevated in the moral scale when he sings their praise. That which the world has wept in tears of blood, and but for which it would have worn an aspect, compared with that which it now wears, of perfect felicity, is treated as a subject for honest rejoicing to good citizens—for British jollification or French fanfarronade. If these men were heathens, there would be more to be said for them; though one might have thought that improved means of education and advancing intelligence would have taught even to paganism, that the self-isolation of nations—the self-imposed and obstinately-maintained severance of man from man, because they happen to be of a different race, or to have a different political history—was not an evil to be danced and sung about, but a calamity

to be deplored. Being Christians, it is difficult to understand their error. Christianity cut the knot which intellectual advancement would sooner or later have untied, and if it taught anything, taught this, that simply because they belong to a different race, or are geographically divided from them, men have no right to treat other men as socially and politically distinct from themselves; that the mutual estrangement, social and political, of members of the great human family is an evil of the same nature as the mutual estrangement of children born of the same parent; and that the exclusive regard of men for those with whom they are classed by the accidents of origin or of soil is a moral delinquency of the gravest kind. Be it remembered by those who meet, as they imagine triumphantly, considerations such as these with the words "Utopian" and "visionary" (words by which it may be remarked that every innovation in any important degree conducive to the general welfare has in its turn been stigmatised), that what is here contended for is not the possibility of immediate or proximate remedy, but simply the proposition that the acquiescence in an approval of a state of things so contrary to good sense, to right feeling, and to the most vital interests of the world, is unworthy of intelligent and well-intentioned human beings.

The virtuous self-satisfaction which has just been noticed as attending upon the assertion and display of nationalism, and which opposes so fatal a bar to international concord and union, is based upon con-

fused notions of patriotism, which is of two kinds—patriotism the virtue and patriotism the vice.

Patriotism the virtue is that feeling which, where it exists in a high degree, inclines a man to prefer to his own interests the interests of the country to which he belongs, and which, in however small a degree it exists, leads him to consider himself not as an isolated being with no concern but his own welfare, but as a member of a society whose welfare is his own. Patriotism the virtue makes the general well-being, as distinct from that of the individual in whom it resides, its study and its care. If either the existence or the well-founded claims of his own country as a member of the community of nations is threatened, it devotes itself at whatever sacrifice to their defence, just as it would devote itself to ward off any internal calamity of equal magnitude. It admits that, so long as nations remain politically isolated from each other, so long as they are unable by common agreement to terminate the anarchy which afflicts them, force is the sole and legitimate protector of the rights of each; and that to compel a people against its will to submit to a foreign dominion is an injustice which must be resisted to the last. But the very essence of patriotism the virtue is self-sacrifice for the general good. It implies no approval or toleration of the anarchy of nations, or any idea that the interests of the particular country in which the patriot happens to live are paramount to those of the rest of the world. It is ready to sacrifice itself for the community to which it belongs, but it claims no right to decide as to the

limits of that community. The boast of nationality is no part of the business of such patriotism. Indeed, the mental disposition in which it is generated is such as would rather incline a man, so far as is possible, to enlarge the bounds of his country, not by military conquest, but by peaceful amalgamation; for the temper and habit of mind which characterise the true patriot as the citizen of a state would find a fuller development and gratification when he became a citizen of the world.

Patriotism the vice is the moral opposite of the former. It is that feeling among citizens which imparts to the nation, considered as one of the component parts of a great community, that very selfishness which is repudiated by patriotism the virtue. It is that feeling which causes a nation habitually to prefer its own to the general interest. The essence of virtuous patriotism is self-sacrifice; the essence of vicious patriotism is self-regard. One is the desire felt by a citizen for his country's advantage, even at the cost of his own; the other is the desire for his country's advantage because that country is his, at the cost of other nations'. Patriotism the vice looks upon the life of nations as one long struggle for success at the expense of each other; holds that a state should deprecate, and if it has the power prevent, any increase in the wealth and prosperity of other states lest the "balance of power" should be disturbed; and appears to consider the fact that the world was not made exclusively for the benefit of one nation as a disposition of affairs to which

nothing short of absolute compulsion should induce it to bow.

It is then by confounding these two kinds of patriotism that men are led to tolerate and approve of the anarchy of nations. With true patriotism that anarchy has nothing in common, but, on the contrary, is essentially at issue. If illustration be required of this, it is to be found in the fact that the most devoted and disinterested patriot of our time,—the Liberator of Italy,—is also one of the very few distinguished men who have felt and avowed international aspirations. At the close of a campaign unusually arduous and triumphant he gave vent, in a letter which appeared in the public journals of the day and was sneered out of court in the usual manner, to the trouble of his grand and benignant soul. Was war, he said, never to cease from the earth? Were nations to remain for ever disunited, with no thought but their own aggrandisement, and occupied in preparing themselves at an enormous cost to spring on the shortest notice at each other's throats? Was there no chance of a hearing for common sense and humanity, so that men, whether they were Italian, French, English, Austrian, Russian, or Prussian, should at length, after centuries of unwisdom, admit themselves to be members of a common family whose interests should be considered as a whole, and there might be an end, once for all, to the long reign of anarchy and blood? "How foolish! how inconsistent!" exclaimed the whole chorus of Philistines and Rule-Britannia politicians. The folly and inconsistency were their



own. The patriotism of Garibaldi is of that true kind which, as we have seen, is altogether distinct from nationalism. He fought to deliver his country, not from Austrians, but from Austrian despotism, as he would fight against any evil, internal or external, which afflicted her. But if (to suppose a case) Austrians and Italians, availing themselves of increased means of intercourse with each other, and overcoming the prejudices of race and the difficulties of language, should after a time have agreed upon some federal alliance or some common form of government acceptable to the people of both countries, Cobden himself would not have been more overjoyed. Garibaldi would have fought and bled for freedom in America as freely as he fought and bled for her in Italy. For real patriotism is that which is free from any taint of egotism; sees in loss or injury to the country of other men loss or injury to its own; and would blush to accept benefits for a nation at the cost of the world at large.

It was the peculiar merit and the privilege of Cobden that he apprehended the truth here indicated, and made it the lodestar of his political career. But inasmuch as the time was not ripe for that full development of internationalism which consists in some form of political union, he saw that the work cut out for him in life was to prepare the way for it by habituating so far as might be possible the public mind to the idea, by removing obstacles to its progress, and by advocating and pushing forward every measure of legislation or policy which could tend to

its realisation. Foremost among such measures was the liberation of commerce; and the first and most formidable monster to be assailed by the champions of commercial liberty was the infamous English Corn Law. The attack upon a law which starved one country and impoverished the rest for the benefit of a few landlords was a task after Cobden's own heart; and he was supported and encouraged during the tremendous conflict by the feeling, little known to most of his coadjutors, that he was fighting, not for his own country only, but for all others; and that victory in the fight would be the first step towards the attainment of the grandest object of which a politician had ever dreamed—to break down the barriers of a narrow nationalism, and blend into one great community the nations of the world. For he knew that free trade in corn was but the prelude to the freedom, at no very distant time, of commerce generally; he knew also that freedom of commerce generally meant a community of interests which would grapple nations to each other with hooks of steel, and an increase of personal intercourse between their citizens,—the sovereign remedy for that self-complacent nationalism which is the greatest obstacle to political association. It is certain that, of all expedients calculated to promote the object in view, there is none so efficacious as this last. A new railway, or an improved steamboat service on a dividing sea, or the abolition of adventitious official impediments to travellers may be of more avail than all the speeches and writings of the most devoted philanthropist. For it must be obvious

that there is a conceivable degree of social intercourse between nations of which some kind or degree of political association is the natural and necessary result. If, for instance, the communication between Englishmen and Frenchmen, instead of being limited, as it now is, to the yearly arrival of a hundred or two of the latter, sea-sick and miserable, in a grim and squalid locality, presided over by a hideously-mutilated statue, and which they imagine to be London, and to the yearly influx into Paris of a stream of British tourists, contemptuous, ill-mannered, and unintelligent—that communication was in every respect as constant and easy as the intercourse between adjacent counties of England, it is impossible that the two countries could remain long disunited. Manners, language, currency, laws, would gradually assimilate; and the result, sooner or later, would be political union. Every step in this direction is a step of which the importance cannot be overrated. In proportion as the intercourse of the citizens of one state with those of another became more familiar, nationalism would decline; war, though it would at times be inevitable so long as nations are under perfectly distinct governments, would be more and more reluctantly entered upon; until at length the work would find its completion in political association, and all war, except civil war, be thenceforth at an end.

The blow which shattered the English Corn Law shook to its foundation the whole ingenious system by which, under the pleasant name of "protection to native industry," men had contrived to counteract a

singularly beneficent provision of nature having for its object their own material and social welfare ; and the advantage thus gained was promptly followed up by the great soldier of peace and goodwill. The war of tariffs is responsible for the war of bullets and cold steel. Men think twice before they cut the throats of those who are perpetually engaged in filling their coffers. If the trade of this country with Russia had been as great as her trade with the United States, what chance would the "war-at-any-price party" have had in the dispute about the Russian War? If her trade with the United States had been as small as her trade with Russia, what would have been the probability that peace would have been preserved during half-a-century between the jealous and irascible parent and the undutiful and now gigantic son? But protection not only generates war by removing the inducement to peace which is afforded by identity of interest ; it fosters and encourages that deeper and wider evil of which (as we have seen) war is one of the many calamitous results—the sharp division of mankind into distinct societies resolutely set against any approach to political communion. Protection, besides keeping nations poor, keeps them apart in sullen rivalry and hostility worse, because more widespread and enduring, than that of the battlefield. The very fact that nations are habituated to consider it a duty to enrich themselves at the expense of other countries tends to exclude from their minds the idea of association, and to encourage that of self-seclusion ; and the case is not altered by the

circumstance that instead of enriching they are impoverishing themselves. Men will never look upon each other as members of one family, or yearn after that political association for want of which they suffer so bitterly, as long as they are taught to consider the gain of other countries to be the loss of their own, and are deprived of that inducement to communication with each other which commercial unity both directly and indirectly provides. The Commercial Treaty with France, forced as it were upon both countries by the strong will and earnest faith of one extraordinary man, was therefore (and he knew it) a magnificent stroke of work in the cause which he had at heart. It was, moreover, a success, in its very nature prolific of further successes. Already an arrangement similar in principle,—mainly through the unremitting exertions of one who, during the arduous struggle of which the prize was the treaty with France, stood at Cobden's right hand, caught his spirit, and realised the grandeur of his aims—has been made between this country and Austria; foreign nations among themselves have begun to imitate the example; and one of the most obstinately defended strongholds of international exclusiveness and discord is in a fair way of being levelled with the ground.

Next to commercial monopoly, the most fatal enemy to internationalism was the pseudo-patriotic sentiment already noticed, and which Cobden accordingly attacked with uncompromising vigour and pertinacity. That one Englishman was equal to three Frenchmen, and that in addressing himself to the task

of proving it he was doing that which was pleasing rather than otherwise to the supernal powers, was the form which for a long time was taken by this sentiment in the illiterate British mind. With the secession of the French Revolutionary War into the background this impression has become less actively prevalent; but there is still a lurking conviction in the minds of a large number of persons in this country that to fight Frenchmen, and probably also Russians and Americans, is in itself a highly moral and laudable act. War is generally felt to be a calamity; but a calamity qualified by the consideration—first, that there is a natural antagonism between Britons and foreigners, which is, as it were, part of the scheme of creation; and secondly, that it is more in accordance with the eternal fitness of things that British interests, British fleets and armies, and British ideas should prevail, than those of any other nation. Thus it is very commonly, though most untruly, asserted, by very well-meaning and in other respects reasonable men, in defence of the war waged for twenty years by this country without a shadow of justification with France, that but for that war the power and influence of Great Britain among European states would have been very much less than they now are; from which argument it is to be inferred that, in the opinion of those who use it, any amount of injustice, slaughter, and suffering, would kick the beam if the interests of their own country were in the other scale. Until ideas such as these are totally and irrevocably eradicated, there is little hope for internationalism.

Another and most mischievous institution of the same class was the *Civis Romanus*. This personage, and the intolerable national arrogance on which he depends for existence, was the object of Cobden's most determined hostility. In China he took the form of an adventurous skipper, mistaken, apparently not without some reason, by Chinese officials for a pirate; in Greece, that of a Spanish Jew, whose miserable squabble with the Government was settled by the conclusive if not logical argument of a British fleet; in Brazil, he was alternately a drunken midshipman, incarcerated for inebriety, and the owner or insurer of a British ship which the winds and waves, regardless of Roman citizenship, had cast upon an outlandish coast, and which was pounced upon by the nomad and semi-savage wreckers of the place, for whose misdeeds the Brazilian Government, finding itself powerless to punish them, was magnanimously chastised, and threatened with further chastisement, for not having done so by the Government of a country twenty times as powerful as its own. Against this calamitous individual the great Internationalist waged incessant war; nor were his efforts entirely unattended with success, if we are to judge by the fact that this particular enemy has of late considerably moderated his pretensions. The monstrous doctrine that a state has the right to require for any of its own subjects who choose to visit or reside in a foreign country treatment which is not in accordance with the laws or customs of that country, or an amount of legal protection which no native of that country ever

dreams of obtaining, has recently shown somewhat less readiness to parade itself before the public view. The mental condition, however, in which it was generated unhappily survives, and should be resolutely opposed by all right-minded men.

Closely allied to nationalism and Roman civism, fighting by their side the battle of selfishness and barbarism against civilisation and humanity, and as such assailed by Cobden with singular power, though with but too little success, was the policy of "bloated armaments." That policy has been the fashion in this country ever since the war with Russia, which, finding its support in hobgoblin arguments and panic the most anile, appears to have bequeathed them as a lasting legacy to the nation. Scarcely had that useless and disastrous conflict ended, and the pocket of the British taxpayer begun to feel the better for the change, when the bugbear of French invasion for about the hundredth time cast its shadow over the land. It was promptly turned to account by that large class of persons who, actuated some by national vanity, called by themselves patriotic pride, others by less excusable motives, are the steady advocates of plethoric budgets; and the consequence is that the national expenditure is at the present moment greater than it was before the Russian War by some fifteen millions, almost the whole of which goes to the account of the army, navy, and coast defences. The triumph of the old women has been complete. The preparation for war has been in the inverse ratio to the probability of it; for if there is one feature



more indelibly stamped on contemporary history than another, it is the deep anxiety shown by the present ruler of France, throughout his long and prosperous reign, to be on amicable terms with this country. In response to his advances, its taxation was at once placed and has ever since continued on a war footing, and a volunteer army was created, respecting which kind of force, however, there is this to be said, that so far as it is a defence at all, it is (like chivalry) a cheap defence of nations. But for the enormous and steadily maintained annual expenditure on the regular forces there is literally no excuse whatever. From the point of view of the narrowest expediency it is a blunder of the grossest kind. For, unquestionably, to a country whose position, moral and physical, is that of Great Britain, the road to success in war lies in the maintenance during peace of an inexpensive nucleus of force, to be developed, when the necessity occurs, as only a free and energetic people, whose progress to commercial wealth has sustained little hindrance from the tax-gatherer, can develop it. But it was not on the ground of expediency that Cobden fought the battle of retrenchment. He fought it, while deeply feeling its importance in a national, chiefly from an international point of view. The curse of great standing armies is laid, not upon this or that nation only, but upon the whole civilised world; and it is the interest of humanity in general that demands its removal. "*Si vis pacem, para bellum*" is the comfort which the authors of this calamity—presuming on the general incapacity to

perceive that "*si vis bellum, para bellum*" is much less questionably true—are in the habit of offering, with considerable success, to their deluded victims. The argument, however, which is most directly responsible for the vast preparations for war which nations in their ardent attachment to peace have thought fit to make is the argument that other nations are doing the same thing. Nation A arms itself to the teeth, and groans under a crushing burden of taxation, solely because nation B has done the same. Nation B, whose large armaments have very probably been raised for the repression of liberty among its own subjects, perceiving this step on the part of A, accuses it of hostile designs, and increases its own armaments accordingly, which leads to a further increase in the same direction on the part of A. This arrangement considered as an elaborate contrivance for maintaining peace, and the political dialectics of which it is the result, are extremely curious. If any one suggests, as Cobden suggested, that there is something inexpressibly foolish and puerile in all this; that, if reason has not deserted the world, some agreement ought to be come to for reciprocal disarmament; or that, in the event of this being found impracticable, then if there be a nation free, and therefore requiring no standing armies to prevent its being so—insular, and therefore having, on the one hand, little direct interest in continental quarrels, and, on the other, provided by nature herself with a peculiar and still formidable defence against hostile aggression—if there be a nation superior to all others

in commercial wealth, and therefore able in case ~~of~~ emergency to develop a strength which would far more than counterbalance any insufficiency of preparation; the nation ought to be the first (for one of them must be the first) to quit the path of folly, and set the example of a return to conduct in some degree rational and dignified:—if any one ventures to make this suggestion he is forthwith consigned to the limbo of political enthusiasts, and no longer looked upon as a sane man in this country. Nor indeed, if the recent foreign policy of this country be considered, is it wonderful that such suggestions should appear to be madness by its side. To reject with a sneer every proposal for the prevention of war by mitigating in however imperfect a degree the anarchy of nations—to meet with a curt and insolent negative any suggestion for the adjustment by general agreement of difficulties which threaten universal war; to refuse to refer to arbitration an important question, admitted on all hands to be one of difficulty, in dispute with a great and kindred people, on the turgid and irrelevant plea that “Britain is the guardian of her own honour”—is a course of conduct of which those who approve are consistent enough in treating common sense and right feeling as insane. To decline all interference in the affairs of foreign states, not for the sake of humanity but of self-interest, and maintain at the same time an attitude of hostile expectation against the world—to incur a vast expenditure on the ground that it is required for the protection of the national existence and interests, which nobody

threatens, and with the result of providing an excuse for the adoption by foreign powers of a similar course ; and so to endanger the general peace and add to the general misery ;—is a policy to whose advocates internationalism may well appear to be the product of a disordered mind. But an insanity whose result is the direct opposite of such policy is an insanity to be coveted by all reasonable men.

Representative reform was another subject which lay near to Cobden's heart ; but this too he valued not only for itself, but for its connection with internationalism. Nationalistic egotism is a malady proper to despotic and oligarchic institutions. The moral code which makes selfishness and jealousy, if not dislike, of foreigners a part of the whole duty of nations is peculiar to the class which in most states monopolises political power ; the great majority of citizens are guiltless of its existence. John Bullism is not a democratic vice. The British Lion has a roar which is terrible chiefly among the upper classes, and aggravates his voice when he mixes in society less refined. The wars of civilisation have been for the most part wars not of nations but of governments ; for war is not only a game which kings would not play at if their subjects were wise, but a game at which they would very seldom play if their subjects were free. Into the causes of this phenomenon it is not necessary to inquire. It is probably due partly to the fact that large standing armies are a necessity of life to despotic institutions, and that large standing armies must be employed, partly to the natural and

jealous exclusivism of governing classes, and partly to the affinity and sympathy of all liberal ideas. What is certain is, that for the complete realisation of internationalism in its ultimate result, political association, it is requisite that nations in general should possess a very large measure of real political liberty; and that according to the degree in which they possess it they will be capable of appreciating the advantages of such association, and of comprehending and avoiding the evils incidental to its absence. Complete political liberty once established in the world, some form of international federation would be the natural result. Nationalism, the offspring of class interests and monopolised power, would gradually disappear; armaments maintained for the repression of freedom would no longer afford incessant provocation and occasion for war; and men would begin to ask themselves in wonder on what possible ground of reason or self-interest they had been for centuries the enemies and rivals of their fellow-men.

It is the duty of those to whom the memory of Richard Cobden is the memory of a greatness, not only beyond question, and almost beyond rivalry, but of a wholly original kind—a greatness which, while it filled a vast chasm in political philosophy, was rich in a new promise and possibilities hitherto unimagined for the happiness of mankind, and which, at the same time, neither was nor is generally appreciated or understood—to see that his name appears in history not under the light of a fictitious and commonplace distinction, but in its own peculiar and enduring

lustre, and takes its appropriate place in the hearts and in the minds of men. It is well that political societies should be founded in his name; it is better that they should accurately represent his character, and carry forward with faithfulness and discrimination the work which he began. There is fear lest the most precious political truth that has been taught in the world should be lost to it for ever—buried once for all in the grave at Midhurst. It is not the advocacy of liberal principles more or less “advanced” which entitles a man to be considered a disciple of Cobden. “Peace, retrenchment, and reform,” is, it is true (or rather was), the motto of the Liberal party, and commercial freedom is inscribed on its banners; but those who claim to follow such a leader must not be content to rest in these things as final—must see beyond and in part resulting from these things a new policy and a happier age—must believe as he believed, that it is no idle dream, no vain chimera of the poet or the enthusiast, but a rational and a practical proposition, that men may be brought no longer to look upon difference of race, creed, and climate as a necessary obstacle to political unity. Whoever among them can write a line of telling English, or speak one sentence worth listening to upon a platform, should take this for his theme. On the one hand, to familiarise the idea in the minds of men; on the other, by every expedient of scientific enterprise, legislative improvement, or private effort, to promote identity of interests and facilitate personal intercourse between the citizens of different states, are the two great

objects to be kept in view. Above all, let the lovers of freedom remember that there is a tyranny more fatal than any which they oppose—the despotism of words. Calling names is the weapon of ignorance and folly, wielded with deadly effect, in the battle against truth. Assail a really humane and sensible project, however startling to prejudice, with the most subtle argument enforced by the most consummate eloquence, and it will resist; call it “humanitarian,” and it will succumb. Reason ever so long against a scheme fraught with important advantage to the world, and you may reason in vain; call it “visionary,” and (if only it has novelty sufficient to give colour to the charge) the most thoughtful men will desert its cause. In the present case there is the same danger. It may be “visionary” to imagine that a change which is opposed to inveterate prejudice and time-encrusted tradition will be other than gradual and remote. It is not visionary to suppose that, in spite of prejudice and tradition, the way may be prepared for the advent of reason and humanity; it is not visionary to believe that separation into distinct and isolated communities, with no objects but those of self-interest and no relations but those of rivalry and hostility, is not the normal condition of the civilised world; and that in the crusade which Cobden preached, not to rescue holy sepulchres from sceptical custody, but the hearts of men from the dominion of selfishness, envy, hatred, and cruelty, there is real hope for the human race.

## WORKING MEN AND WAR:

### THE MORAL OF A RECENT CRISIS.

SOME two or three months ago, just at the time when nations were about to meet in an Armageddon of peaceful industry, Europe suddenly found itself on the verge of a gigantic and desolating war. Few doubted for a moment that two enormous armies, equipped with weapons of the newest patterns and destructive beyond all precedent, were about to be hurled against each other, and to repeat, on the same theatre, but on a grander scale, the performance which so often before has thrilled and fascinated the world. Few doubted for a moment that commerce was to be paralysed, moral and intellectual progress checked, evil passions unchained, force deified, cruelty condoned, crime encouraged, pauperism increased and ignored, in the old and well-known style. And the cause was as clear as the event seemed certain. This was to be no war for the protection of the weak against the strong, to prevent injustice, or to liberate oppressed nationality. It was to be a war of the simplest and most elementary character—a war for territory. Moreover, it was a contingency which



every one of what is called "a certain position in society" appeared to think perfectly natural, and, though much to be regretted, neither to be avoided nor denounced. That in this nineteenth century immense bodies of men should still at intervals be engaged in cutting each other's throats is considered, by an influential minority of mankind, a phenomenon which is lamentable enough, but to suggest a remedy for which it is to be a visionary, or, what is worse, a "peace-man." Position in society is in the habit of looking upon occasional war as a necessary condition of human affairs, and holds that the mutual trucidation of human beings is a matter of providential arrangement, susceptible of no more satisfactory explanation than the origin of evil, and having, like other misfortunes, its advantages and compensations.

It happens, however, that society consists not only of those who have position in it, but of those who have none, and that the latter are by far the most numerous. Let us see, then, what is the opinion on this subject entertained by the vast majority of the individuals of whom society is composed. France and Prussia were on the brink of mortal strife; but the people of France and Prussia—the class which lives by its labour, comprising probably some four-fifths of each nation—held out their hands to each other, and declared that they for their parts declined to quarrel, and looked with abhorrence upon the bloodshed to which they were being committed. By protests and declarations of every kind they proclaimed that the avowed cause of war, the possession

of territory, was no reason for it in their eyes. They declared that "labour was of no country;"—that so long as they were protected in the peaceful possession of the fruits of their toil, and allowed to perform their part in utilising and interchanging the products of the earth for general good, they cared not whether they were called Frenchmen or Prussians; and that to fight in such a quarrel was to fight for an empty name. It might be for the benefit of their rulers, who derived honour and advantage from such distinctions, to maintain them at the cost of unutterable misery to the world; to them it was none. For themselves they wanted no wars, and, if they had liberty in any true sense of the word, war would long ago have been a thing of the past.

The simple fact is, that the working men, or, in other words, some four-fifths of the population of France and Prussia, whose feelings on the subject are shared by about the same proportion of the population in other countries, have apprehended (partly, no doubt, because they and not the wealthier classes are the principal sufferers from the antagonism of nations) a truth which those who claim superiority over them have failed to understand. What they meant by their protests and declarations was nothing more nor less than this—that war is not inevitable; that the cause of war is nationalism; and that, if they had their will, nationalism should be no more. Nationalism—the segregation of mankind into distinct communities, each of which is a law to itself, and repudiating at the bayonet's point all political communion with

its neighbours, is precisely in the condition of a society in which there is no government—is that which makes war inevitable; and the end of nationalism is the end of war. No war, except civil war, would be possible when once an end was put to that anarchy of nations which has so long disgraced a Christian world. In a community which has taken no step towards political institutions, in which each individual considers his neighbour unqualified to form part of the same body politic with himself, force must and will be resorted to for the protection of individual rights and interests; for it is the only tribunal to which they can be referred. So long as nations cling obstinately to anarchy, on the ground that they are unfit for any form of political association, not only wars, but wars which may be termed just and necessary, must from time to time occur. The members of a society in which there is no law must take the law each into his own hand. What the working men of France and Prussia meant was not that resistance to interference by one nation with the rights of another was unjustifiable, but that there is no reason in the nature of things for the division of mankind into separate and antagonistic communities, any more than there is a reason why individual human beings should abjure a common polity. The possessors of leisure and power may think or affect to think it preposterous, but to those who live by labour the idea has long been familiar—that whether a man is happy is a more important inquiry than whether he is a Frenchman or an Englishman, a Prussian or an

Austrian. The manifestos of working men during the late crisis afford evidence of a fact little regarded by the governing class in all countries—that a feeling has long existed among those whom they govern, and is advancing with resistless force, which must sooner or later overflow the barriers of nationalism. The notion that foreigners are unfit for political intercourse with themselves, and that the division of the human race into isolated sections is an eternal ordinance which it is not only unpatriotic but impious to condemn, is supposed, by those who are interested in upholding despotic and oligarchical institutions, to be general among the inhabitants of this and other countries, but in reality has long been confined to their own class. Ask those who are lower in the social scale, but who, besides being more numerous, are as a rule more thoughtful—read their journals and listen to their conversation—and you will find it treated with reprobation and scorn. In this country, owing to the inferior provision for popular education, the progress of internationalism among the working class has probably been less than in some others; but even here it has taken vigorous root. Here, also, that “labour is of no country;” that men are entitled to regard and respect to whatever nation they belong; that happiness and self-respect are independent, not certainly of political institutions, but of nationality; that *cæteris paribus*, life is as well worth having whether a man is an Englishman or a Frenchman; that, indeed, all such distinctions are an evil; and that it is less sensible, less honourable, less conducive

to human welfare, that men should be citizens of a particular country than that they should be citizens of the world;—has long been the creed of those whose opinions on the subject are not even known to the depositaries of political power, but who are now advancing, however slowly, towards the attainment of such a share in the government of the country as will enable them to give effect to their views. Nationalism and oligarchy are sisters indissolubly bound up in each other; political liberty and internationalism are inseparable allies. A ruling minority, looking upon the nation which it governs as its own domain, is naturally enough unwilling to share it with others, to merge in a common polity its exclusive privilege and power, and to give up the standing armaments which enable it to maintain them, and whose occupation would thenceforth be gone. That, on the other hand, with real political freedom, internationalism, notwithstanding the ridicule, partly ignorant and partly interested, with which it is treated, would before very long take some practical effect, is now sufficiently evident. Whenever the working class, advancing as it is in education, intelligence, and power, obtains that which must at no very distant time be conceded to it—a share proportionate to its numerical importance in the government of the world—it will not be long before the barbarous, puerile, and eminently pagan exclusivism which has kept nations apart and deluged the earth with blood ceases, in the garb of patriotism, to impose upon mankind. There must at any rate now be an

end, once for all, to the tone of good-natured contempt with which speculations of this kind have hitherto been set aside, for it is now clear that they are the calmly and deeply entertained convictions of the great majority of civilised men. It is now clear that, if wars are made in the mere spirit of nationalism—for the mere purpose of aggrandising one nation, or preventing the aggrandisement of another—they are made against the will of the majority; and it is further clear that, in the opinion of that majority, the wholly distinct political existence of nations, with the rivalry, antagonism, and anarchy which it involves, is a barbarous anachronism.

So deeply rooted indeed is the prejudice, so inveterate the habit of thought, which looks upon the separation of men into isolated bodies, always rivals and often enemies, as a necessary incident of human life, that even to the operative classes themselves time will be required for giving a perfectly full and clear perception of the great principle which they have apprehended. Men have so long been taught by the recognised instructors of the world that the anarchy of nations—the blood-stained barriers of nationalism—are of divine institution, that there is some excuse for their belief in the doctrine. The differences of race, of creed, of language, or of political character among the various nations of the earth have, time out of mind, been supposed to be such as to make the idea of any approach to political association simply ridiculous. A supposition more diametrically opposed to truth and wisdom it would not be easy

to conceive. But for prejudice and ignorance it would at once be seen that the continued dissociation of the various branches of the human family is not divine, but the opposite, and that the proper subject for derision is not the search after some common bond of union for civilised and Christian men, but the blindness which has so long acquiesced in its absence. Anarchy in the community of states is that which anarchy would be in an ordinary community—a scandal and a shame. The lawless life of nations, with the hand of each against the other, is as foolish, and ought to be considered as intolerable, as the same kind of existence among individual men. Tradition, habit, dissimilarity of character, language, race, or creed, ought no more to be accepted as excuses in one case than in the other. It is the business of human beings with any pretension to civilisation or enlightenment to see that such obstacles do not stand for a moment in the path of a consummation which is demanded by every dictate of reason and humanity. Nationalism, which is a reproach to Christendom and an insult to common sense, would have long since perished but for obstacles; and it is the business of those who care for the future of mankind to use every effort for their removal. Foremost among them all is prejudice—the torpor of mind which, handed down from age to age and fostered by vicious education, fails to recognise truth merely because it is new; and this, by whatever resource of pen or tongue may be at his command, it is the duty of each man in his sphere to assail. Formidable

in the next degree is the obstacle of dissimilar political institutions. It is, for instance, obviously impossible for nations, one of which is ruled by a despot or by a class, and the other is under perfectly free government, to take any serious step in the direction of political unity. Both states, so far as their people are concerned, may be anxious for union, but antagonistic forms of government forbid the banns. It thus appears that one of the reasons why internationalism is of so little account is to be found in defective systems of government. If nations were, as they ought to be, self-governed in the true sense of the word, the transition to common government, through the preliminary stage of federation, would be natural and easy. Tyranny, based on ignorance and selfishness, has thus been a main agent of the disunion which has so long afflicted the world and outraged freedom, the cause of the worst miseries of mankind. Let the millions who, like the working men of France and Prussia, are actuated by the desire, so ridiculed and so rational, to live in fellowship with other men, and are not ashamed or afraid to form part of the same community with those who differ from them by the mere accident of race or climate, remember that before they can do this they must be free. The government of a despot or of a class, besides the other evils for which it is answerable, is answerable also for this—that it keeps men apart from each other, actual rivals and possible enemies, and, as a consequence, impoverishes them for the purpose of enabling them, when occasion occurs, to shed each other's



blood. There is but one kind of polity—it is of substance and not of form that we are now speaking—which is fit for rational beings, and that polity must be theirs before they can hope for rational intercourse with each other. War will cease only when government for the few exists no longer; and the way to peace is through the gates of liberty.

Were it only for this last consideration, it is but too obvious that the great change which will sooner or later unite the world must be gradual and remote; but there are not wanting signs that the way is already in course of active preparation for its advent. The very fact that it is no longer possible for the monopolists of political power—who have been suddenly awakened to the fact that theories which they have treated as the mere crochets of idle and morbid dreamers are to the vast majority of thoughtful, intelligent, and practical men mere common sense and common humanity—to sneer at the very mention of that change, and ignore it systematically in their policy and legislation, is an important step in the right direction. It is true that freedom is a condition indispensable to the object in view; but to familiarise men's minds with that object is in itself to supply them with a powerful lever for the acquisition of freedom. The first serious blow to nationalism was dealt by Free Trade, which gave for the first time a common interest to nations, and taught them that, whatever might be the result of human arrangements, nature abhorred their antagonism. In order that the minds of men might receive the idea of political

union, it was necessary that commercial enmity should cease. The possession of vital interests in common leads them in the first place to pause before they come to blows, and in the next place to consider whether there must not be some signal and fatal defect in the system which arms every community to the teeth against its neighbour, and supplies them with no court of appeal but the cannon's mouth, and no arbitrator but the sword. Free Trade, then, is progressing: currency, it may be hoped, will at no distant time be assimilated;—not long ago a great congress representing the working men of all nations met in the capital city which was of all others the most appropriate for their meeting; and men have turned their minds to see what can be done to remove a difficulty which is serious, but which the example of Switzerland shows not to be fatal—that of language. Above all, in England, upon which so much of the world's future depends, the spirit of freedom is abroad, has recently gained a victory,\* and will not

\* This victory, which is compared to Chæroneia by those who think the political slavery of five-sixths of a nation essential to its welfare, is in reality but a small affair. The alarm felt by the opponents of freedom in the presence of household suffrage is as unfounded as the exultation of her friends. In France there is not household but universal suffrage. But, as in France universal suffrage does not give freedom because the "seats" are all "distributed" (if the expression might be used) to one man, so in England household suffrage will not give freedom, or even (as some Liberal statesmen fondly imagine) prepare the way for it, so long as the seats are distributed in the way we know. To invest a man with political power at the same time you invest another with ten times as much, is a strange mode of conferring upon him political liberty.

rest (we may hope) until its triumph is complete. It cannot be long before a neighbouring and rival nation shakes itself free from the charge of unfitness for self-government; and, when that is done, more than half the battle of freedom will have been won. Beyond the Atlantic the cause is secure. So long as that great people, whose greatness has been shown by recent events to rest on a foundation which no hurricane can shake, possesses almost a monopoly of real political liberty, the idea of a common polity for civilised men can assume for it no practical form. But nationalism is opposed to the very spirit of its institutions, and to its thoughtful, enlightened, and independent character; and so soon as it shall be possible for nations, meeting on the common ground of freedom, to erase the word "foreigner" from the vocabulary of the world, America will take the lead in the inauguration of the new era, and will continue to attract to her shores the myriads of every race welcomed as now to wealth and liberty, but expatriated no more.

## THE "ALABAMA" CLAIMS.

PRESIDENT GRANT'S message has reawakened an ill-favoured controversy whose sleep, it was fondly hoped, would deepen into dissolution. Unfortunately the material is of no perishable kind; and while it lives there are no bounds to its capacity for evil. War between two such nations, allied in blood and pre-eminent in commercial importance, is, indeed, very generally held to be impossible as a direct result; as an indirect result few will question its possibility. But, apart from any such danger, the rankling, ill-suppressed, and continuous hostility, which is the other alternative during the life of this unhappy misunderstanding, is scarcely less to be deplored; and assuredly nothing should be left unsaid which can contribute to its extinction. Above all, it is desirable that Englishmen should be correctly informed as to the real position of affairs. Because little or nothing has been known of what our rulers were doing, we have drifted before now on many a perilous shore. It is not too much to say that three-fourths of the wars which have been waged in modern times might have been avoided if the negotiations which ended in

them had not been secretly carried on. Bullets and bayonets, which diplomatists call eventualities and complications, are a crop very seldom sown in the light of day.

Early in 1868 the negotiations on this subject had come to a dead lock, and the state of the case was then as follows. The Government of the United States having failed in its application for redress when Lord Russell conducted our Foreign Affairs, had made another attempt when they were in the hands of Lord Stanley, in the shape of a Despatch, which enclosed a formidable list of claims on account of property of American citizens destroyed by the *Alabama* and her sister ships, and recapitulating the grounds on which the complaint against Great Britain had been based. Those grounds were the following: That by the Queen's Proclamation of 1861, "belligerent" privileges were wrongfully conceded to certain slaveholding states then in insurrection against their lawful government;—that in consequence of such concession those states obtained not only immense moral support and encouragement, but power to assume a national flag, and to seize and destroy goods and shipping of the United States;—that thereupon from the very nation which had mainly occasioned this injustice there proceeded swift and powerful vessels of war, which became the recognised property of the insurgents and inflicted enormous injury upon American trade and navigation;—that to prevent such vessels from leaving her shores no serious, or at least no sufficient, effort was made by the British

Government;—that, moreover, such vessels were repeatedly harboured and protected in the ports of Great Britain and of her Colonies;—and that Great Britain owes to the United States reparation for these injuries.

The British Minister had refused, as his predecessor had refused, to admit the validity of these representations. He had maintained, as his predecessor had maintained, that the Queen's Proclamation of neutrality simply confirmed what had been done by the President's Proclamation of blockade, which was itself a virtual declaration of Southern "belligerency;"—that, moreover, the belligerency of the South was a matter of fact evidenced by the existence of a regular Government, the maintenance of a large army, and a declaration of war, and that this had been admitted by the Minister of the United States in his despatches to foreign Governments. That it was not correct to say that the maritime rights obtained by the Confederates were the result of any action on the part of Great Britain, since, independently of all such action, those rights were a consequence of the belligerent *status* which events had conferred upon them;—that the Royal Proclamation was necessary in order to inform British merchants of their liabilities on account of the blockade; was in the interests of the United States themselves in so far as it enabled them to maintain the blockade; and had not, as was well known, been dictated by any unfriendly feeling towards them. That with regard to the escape from England of ships intended for the Confederate service,

it was only at first that any negligence could possibly be alleged against the British Government, which after the escape of the *Alabama* took effectual measures to prevent such occurrences; and, finally, that under these circumstances the British Government could not admit that the United States had established any claim to reparation. He had offered, however, on the part of Great Britain to refer the claim to arbitration, but only on this condition, that in the case submitted to the arbiter no account should be taken of the recognition of the insurgent states as belligerent by the Royal Proclamation of 1861. On this condition the British Government insisted, because it considered that the question as to the propriety of that recognition was of a kind upon which "every state must be held to be the sole judge of its duty." The United States, on the other hand, while assenting to arbitration, desired that the whole controversy might be referred as it stood, in order that their demand for compensation might be laid before the arbiter accompanied by all the statements and arguments on which it was founded. Neither Government being willing to abandon its position, the correspondence had come for the time to an end.

The negotiations were shortly afterwards reopened in England by Mr. Reverdy Johnson, the diplomatic successor of Mr. Adams; and the consequence was a Convention signed by Mr. Johnson and Lord Clarendon. By this Convention, the claims on either side arising out of the war were to be submitted to a commission composed of two Americans and two

Englishmen, who before considering them were to appoint an arbitrator for the decision of any question upon which they might disagree. But for the "*Alabama* claims" the Convention made exceptional provision. For the settlement of these, in case of disagreement the arbitrator to be named by the commissioners was to be the "Sovereign or head of a friendly State;" and it was further provided, that with regard to these claims neither Government "should make out a case, nor should any person be heard for or against such claims," the official correspondence which had already passed being alone submitted to the arbiter. Of this Convention the American Government (as was to be expected) disapproved, chiefly on account of the exceptional treatment applied to the *Alabama* claims, and more especially of the limitation with regard to the evidence to be adduced on either side. They informed our Government that this limitation would have to be entirely removed, and they specified the particular alterations, in this and other respects, which would be necessary in order to render the treaty acceptable to the Senate of the United States. The result was, that the British Government accepted these alterations almost as they stood; and a new Convention was signed by Mr. Johnson and Lord Clarendon, in which, among other amendments, the limitation respecting the *Alabama* claims was omitted, and the fullest liberty of adducing evidence on either side permitted; the obstacle which two years ago appeared alone to prevent a settlement



of the question being thus removed by means of the most complete concession on the part of the British Government. The new Convention was laid before the Senate of the United States, and almost unanimously rejected by that Assembly.

In October last, the question was revived in a despatch from Mr. Fish, the American Minister for Foreign Affairs, which was communicated by Mr. Motley (who had succeeded Mr. Reverdy Johnson) to our Government. The object of this despatch was, in Mr. Fish's own words, "to state the position and maintain the attitude of the United States in the various relations and aspects of the grave controversy with Great Britain." It was not, he continued, "written in the nature of a claim, for the United States now make no demand against Her Majesty's Government for the injuries they feel they have sustained." They preferred, he said, to leave the time at which negotiations with a view to the settlement of the question should be renewed, and the manner of its settlement, to the consideration of the British Government. When the British Government thought that time had come, they would, he added, be ready to consider with all due attention and impartiality any proposition which it might have to offer. The despatch was, in fact, an elaborate recapitulation of the ground of complaint against Great Britain which had so long been insisted upon. It also referred to the reasons which had led to the rejection of the Convention by the Senate of the United States. Lord Clarendon replied by expressing the surprise and

regret with which the British Government, after having conceded so much, had learnt that the Convention had been rejected, and by very naturally observing that the next proposition on the subject must proceed from the United States. He shortly afterwards sent to Mr. Motley, in reference to Mr. Fish's despatch, a memorandum, which was in effect a recapitulation, on our side, of the arguments on which the British Government has relied for its defence against the charges and claims of the United States. The negotiations were thus once more interrupted, and have not since been resumed.

Such being the present position, what is the future fate of this question? It seems impossible not to admit that a nation which by its Senate or in any other manner rejects a Convention, not only bearing the signature of its accredited representative, but, after important alteration to suit the views of its Government, approved by that Government, places itself *pro tanto* in a disadvantageous position before the world. Constitutional peculiarities may deprive such engagements of legal obligation, but cannot prevent them from being considered by public opinion as some kind of admission on the part of the nation that equitable terms have been offered to it, or, in other words, that a demand for further concession is exorbitant. The British Government, however, has with much wisdom and moderation refrained from insisting strongly on this view of the case, and contented itself with the requirement, the justice of which is sufficiently evident, that, as regards any renewal of

the negotiations, the initiative should proceed from the American side. Assuming, then, that at the instance of the American Government the negotiations will before long be resumed, it remains to inquire on what their success or failure may be expected to depend. Now, it is evident from the statements of Mr. Fish and of Mr. Motley, and indeed would be sufficiently clear without them, that though several reasons are given for the rejection of the treaty by the American Senate, the chief reason was the fact that the claims for which it provided a settlement were those of individual losers by the depredations of the *Alabama* and her kindred, no mention at all being made of any claim on the part of the Government of the United States against that of Great Britain for alleged breach of international duty. The United States consider, wrongly or rightly, that they have two distinct claims against us: one for the reimbursement of American subjects for the losses which they incurred on this account; the other, to some kind of redress, reparation or *amende honorable* for the important assistance which (as they contend) was given to the rebel states by the premature recognition of their "belligerency," and the subsequent negligence of the British Government to prevent some of its disastrous consequences by detaining the *Alabama* and other vessels in the ports of England. There can then be no doubt that, whatever other amendments it may be desirable to make in the Convention, if a few words could be added to it providing for reference to an arbitrator of the questions,

whether the conduct of Great Britain during the war involved any breach of international obligation—whether, if it did, the error was of a kind for which reparation could properly be demanded—and if so, what ought to be the nature of that reparation—a settlement of the dispute would at once ensue.

Now, if the state of affairs was simply this—that the United States had demanded of our Government reparation of some kind for the recognition of Southern belligerency, and our Government had replied by a distinct refusal—there would be very few Englishmen, probably very few persons, on this side the Atlantic, who would find fault with the reply. That on the English side of the question there are arguments of considerable force Americans themselves would admit; and the British Government has as good a right to hold that it is not responsible for that act and its consequences, as the Government of the United States has to a contrary opinion. But that is not the proposal now under consideration. That proposal is, that the question—which of these two opinions is right—should be referred to the judgment of a tribunal selected for its wisdom and impartiality. Whatever else may be thought of this proposition, it is one which undoubtedly merits the most anxious consideration. A nation deliberately rejecting such a mode of settling differences for which there is only one other settlement, may have valid reasons for doing so, but (always supposing that a fitting arbitrator can be found) incurs very serious responsibility. In the disputes of private life, which cannot be made the

subject of legal decision, it is commonly inferred that the disputant who refuses to submit the question to the friendly decision of a third person, is the disputant who is in the wrong. This may very possibly not be the case ; but there are, at all events, no unreasonable grounds for the inference. It might seem superfluous to repeat, but it is too often forgotten—that to make concessions on a mere demand is one thing ; to make concessions which have been pronounced just by a duly appointed referee is quite another. In the first case there is implied either an admission of the justice of the demand, or a deficiency of the power or of courage to resist it—in the second, neither the admission nor the deficiency. From concession the result of arbitration there can fairly be inferred neither a sense of culpability on the one hand, nor of weakness or fear on the other. In ordinary cases it is properly attributed to a just appreciation of what is due to the general interest, which requires that the members of a community shall abstain as far as possible from taking the law into their own hands.

Judging from past discussions, the objections which will be taken on the part of England to this proposal are as follows:—The first is that we are so unquestionably in the right, that there is no case, or shadow of a case, on the other side. But this argument (to which it may reasonably, though perhaps not conclusively, be replied, that if so we have no need to fear an adverse decision) appears now to be very generally considered as untenable. It seems, indeed, impossible to read the correspondence on the subject

without perceiving that there exists at least some colour for the American view. The statement that the recognition was precipitate, derives, to say the least, some show of reason from the fact, that of the great battles of the war not one had been fought when it occurred (which is saying, in other words, that the "civil war" had not then actually begun); while the reasoning of our Government, that the United States themselves had, by blockading the ports in the hands of the rebels, already declared their belligerency, is deprived in great part of its value by the further fact that the Queen's Proclamation appeared before the issue of the *complete* Presidential authority for the blockade of the Southern ports. But even supposing that the recognition could not, in these respects, be considered as precipitate, is there no foundation for the complaint of the United States with regard to it? The answer is thought to be absolutely conclusive that they had blockaded the ports, and thereby themselves proclaimed the belligerency of the Southern States. But is it possible that a Government has not the power, at the outset of an insurrection, to blockade ports which may happen to have been seized by rebels, without conferring upon them belligerent rights, and entitling them to the political *status* which those rights involve? How would it suit Great Britain to accept this doctrine for her own ports of Cork and Waterford, supposing them to have been suddenly seized by Irish rebels? Is it, or is it not the fact, that when these very United States were rebels against Great Britain, we blockaded some of their ports, and,

so far from admitting that belligerent rights were thereby accorded to them, treated as a *casus belli* the admission of some of their cruisers into a foreign port? It is not here asserted that to these arguments on the American side no answer can be given on the part of Great Britain;—it is not even asserted that they have not been answered by our Government in a manner which, to many persons, will not unreasonably appear conclusive;—all that is contended for is that it is really absurd to assert that on this point the American Government is so absolutely and hopelessly destitute of all shadow of argument and all possible pretext for complaint that this is a case to which arbitration is wholly inapplicable. It is perfectly possible and even probable that Lord Clarendon's reply to Mr. Fish might be considered as conclusive by the arbitrator. What seems impossible is, that any conceivable arbitrator, at all qualified for the position, should consider that there was absolutely nothing to be said on the other side. Another answer, supposed to be decisive as against the view taken by the United States in regard to the recognition is, that in his correspondence with foreign Governments on the subject, their Minister spoke of the insurrection as a regularly organised "civil war." But it is surely not difficult to see that this argument, though a fair weapon of controversy, is by no means unanswerable. The insurrection of the British American colonies which led to their independence was as regularly organised; and if any one had said that those colonies had levied "imminent, flagrant, deadly war" against

Great Britain, he would have said that which was neither very unnatural nor very inconsistent with the facts of the case ; yet no one can imagine that such a statement would have prevented an immediate declaration of war on the part of Great Britain if any foreign State had dared to accord to the colonists the *status* of belligerency. On the whole, it seems impossible at the same time to pretend to impartial judgment, and to deny that, whether the view taken by the United States on this subject be erroneous or not, it rests upon some plausible foundation.

The other great objection on the part of England will probably be that the proposed reference to the judgment of a neutral power of her right to recognise the belligerency of the revolted States would not be consistent with national self-respect. It is true that this objection has been so far invalidated as that, by the Clarendon-Johnson Convention, England had agreed that this grievance of recognition should be submitted to the arbitrator appointed to adjudicate upon the *Alabama* claims as one of the data for his guidance ; but the difference in degree between this concession and the direct reference now suggested will be strongly insisted on. Nor can it be denied that such a mode of deciding such a question is more alarming to national susceptibilities than would be its decision by that time-honoured tribunal which dispenses justice through the medium of explosive compounds. But the question is, which of these two methods is really most worthy of a great nation ? If it were not for the strange hallucination which



supposes that nations and individuals are amenable to different moral laws, it would be seen that this is a case in which the more peaceful course is also the most magnanimous. In civilised society, the man who, in disputes with his fellows, resorts to violence rather than to conciliatory interposition, is not the man who is most credited with a due sense of his own dignity. Nor is it easy to understand how a State, whose representative was the chief author of the paragraph in the Protocol appended to the Treaty of Paris in 1856, and which expressed a hope on the part of the great European Powers that serious international differences would in future be referred to arbitration, can reject arbitration on an occasion such as this. That paragraph must have been intended, if it had any meaning at all, to counteract the undue sensitiveness of national honour ; and it is not easy to perceive, if inapplicable to this question of recognition, to what great international disputes it can ever be considered to apply. Reference to arbitration in such a case as this seems almost forced upon a nation which is neither so weak that it need be ungenerous, nor of so little account in the world that it need stake incalculable interests on points of international punctilio ; —a nation which, fourteen years ago, led the way in the onslaught against that pride of race which refuses to submit to judicial inquiry and has been the parent of the most calamitous wars that have desolated the world.

There is no need to insist, in the interest of a speedy and peaceful settlement of this unhappy

dispute, on the general advantages of international amity, or on the special importance to England of a good understanding with the United States. But there are some considerations which are apt to be lost sight of, but which appear to recommend to us, in this instance, a course conciliatory to the extreme limits of concession. One of these is the fearful national loss and suffering which was really inflicted upon them, as well as that which, it may be erroneously but at all events devoutly, Americans believe to have been inflicted upon them by the conduct of England during the war. Whether that conduct involved any breach of international duty such as to furnish them with a right to reparation, may well be questioned :—what cannot be questioned is that it cost them terribly dear, and that they believe it to have cost them dearer. Apart from the plundering and burning by Confederate cruisers, there can be no doubt that the escape of these vessels from England, transferred in great part to England herself the carrying trade of the United States ; and the blow thus dealt upon their mercantile marine appears to be one from which recovery is most difficult. Nor can there be any doubt but that the Royal Proclamation of neutrality gave in important respects assistance and encouragement to the rebel cause, or that Americans consider, with what sound reason may well be disputed, that to this alone or mainly it was owing that the rebellion was able to make head at all. The injuries thus sustained, or believed to have been sustained, by the United States do not make their

demands just, but they constitute an important reason why England should consider those demands with the most careful attention, and should do all that can possibly be done, consistently with her own rights and true interests, to heal the gaping wounds, material and mental, which, however unintentionally, her hand has made.

Another consideration, of no trifling importance, is the character of the American people. Let any one consider the history, and, above all, the recent history of that nation. There is nothing, in modern times at least, with which it will not, for moral grandeur, favourably compare. An insurrection, formidable not only in numbers, but in foreign sympathy, and in the possession of almost all the disciplined forces and material of war, sprang suddenly into fierce and ominous life. It was no question between slavery and freedom (though that was a collateral issue), but whether the vast dominion—the mighty fabric which was the pride of a free people, the admiration of the world, the refuge of liberty, and full of bright promise for the future of mankind—should stand firm on its pedestal or be shivered into fragments at their feet. Surprised and betrayed, disarmed and friendless, the nation never faltered. For long months it encountered with raw levies the disciplined forces of the South:—for long months there poured from every loyal State the flower of the American youth, abandoning home, comfort, and prosperous industry to meet almost certain destruction in their country's cause. In ever-increasing numbers the untrained

soldiers of liberty pressed forward at her call to fill with their lives the deadly interval required to redress the balance of the strife. When at last the tide turned, and victory declared for numerical force submitted to gradual discipline, no vengeful exultation marked her advent. Calmly, firmly, and thoroughly, the great work was done. And when it ceased, the passionate excesses which have been the usual retinue of such triumphs were looked for by the world in vain. The people which had satisfied so grandly the test of adversity passed still more grandly through the terrible ordeal of success. Not one drop of blood was shed in revenge for treachery and rebellion more pernicious and worse-founded than any which the world has seen. In sadness rather than in triumph, when the fight was done, the nation set itself resolutely to grapple with the difficulties which the fight had bred. No lust of military glory, no intoxication of military success, ruffled the steady current of that beneficent toil. Having saved their country, the vast triumphant hosts were hosts no more. The transformation was complete:—the fierce and daring soldier became at once the quiet, industrious citizen;—the Government, full armed for desperate resistance or majestic conquest, became the peaceful, conscientious labourer for a people's good. Now it is of course possible that a nation may have shown itself to be the possessor of so much wisdom and nobleness, and yet act unjustly towards a foreign state. But a claim, not destitute of all foundation, and persistently put forward in a temperate and conciliatory tone by the

unanimous voice of a nation such as this, cannot be set aside as the product of mere arrogant impertinence, malignant hostility, or perverse self-delusion. It may be a claim, in the opinion of those upon whom it is made, quite inadmissible ; it cannot be one which is no fit subject for impartial adjudication. The American people, thus calm in judgment, moderate in self-assertion, just and humane in spite of every temptation, zealous for the right, yet merciful to the perpetrators of wrong, is under the firm impression, whether well or ill founded, that it is bound in justice to itself to demand reparation for certain acts of a foreign Power. Upon this reparation, however, it does not insist ; it only asks that some authority should be named by both parties who may pronounce upon its justice. The character of the proposition and of the proposer alike seem to counsel compliance.

Another consideration which should influence in an important degree the decision of England upon this question is the feeling with which she is regarded by the American people. Vulgarity is not confined to Europe ; and to envy, disparage, and vilify England is characteristic of American vulgarity. But to any one who will look a little below the surface, and take his impression of American opinion from other sources than rowdy newspapers, it must be evident that the great heart of the nation—the aggregate of thought and feeling which have made her what she is—yearns for sympathy and amity with ours. There is in the people of the United States a reverence, an admiration, even a filial affection, for the nation from

which they have never forgotten that they sprang, which long years of mutual misunderstanding, recrimination, and suspicion have been unable to subdue. The people of the United States believe, rightly or wrongly, that we have inflicted upon them a grievous wrong, for which, by some means or other, it is incumbent on them if they can to obtain redress ; but whoever has had an opportunity of observing them at all must see that it is by a sense of justice, and not by an impulse of vengeance or hostility, that their course is steered ; and that if this dispute could be settled by arbitration, they would, though the decision of the arbitrator should be in our favour, welcome it with satisfaction as that which would obtain for them, without sacrifice of national rights or interests, the long-sought and intensely-valued friendship of England.

The object of this paper has been, first, to explain as clearly as possible the present position of the controversy ; and, secondly, to inquire what ought to be the course taken by Great Britain as respects the solution which, or something like, it seems necessary for her either to accept, or to reject without hope of a final understanding. It is hardly to be imagined that the proposition for renewed negotiation, which must come from the United States, will be long delayed. And there is ground for confident hope that the fairness and moderation which have marked the recent conduct of the case by the English Government, aided by the good sense and enlightened patriotism of the English people as re-

presented by a reformed Parliament, will before long bring about the consummation so ardently desired on both sides of the Atlantic—the reconciliation of great and kindred nations too long estranged.

## THE INTERNATIONAL AND THE MANCHESTER SCHOOL.

THERE is an Association, hitherto but little known, upon whose constitution and objects recent events have cast a gleam of lurid light, and whose programme is now before the world. Of that programme the most important announcement is as follows:—Since all men are born equal, and since it is therefore unjust that any man, under whatever circumstances, should find himself in a better condition than another, property should, in a legal sense, exist only for equal division among all the members of the community. It follows that the labourer has a right not only to the countervalue, *i.e.* wages, of that which he has to dispose of, *i.e.* his work, but also to a share in the profits of that which other people have to dispose of, that is, in the profits of their money or their skill. This equitable arrangement, which might possibly be made to work, but only during the short time which it would require for the reduction of human beings to a general level of misery, is that on which this Association chiefly relies for the improvement of their condition.



There is also a school of politicians, known by the name of the Manchester School, which teaches that for the physical and consequently for the mental welfare of mankind it is necessary that the absolute and exclusive right of every one to that which he produces with the means at his own disposal (such as his money or his knowledge) should be recognised and secured to him by law; and that beyond this, law has nothing whatever to do with the matter. Absolute freedom of competition in the race for property is held by this school to be the surest road to wealth and to well-being. Hence protective laws—which mean the taxation of the community at large for the benefit of a class, or of one class for the benefit of another—communistic laws, such as those for the regulation of wages, or for the support of the poor who will or will not work, at the expense of the community;—and in general, every contrivance, whether in favour of the poor or of the rich, for interfering with the natural course of production and the free interchange of property of every kind—have been opposed by this school with inveterate hostility and triumphant success.

Such being the objects respectively of the two political sects in question, it is somewhat surprising to find that the one is frequently represented as the offspring of the other. The existence of the International as a dangerous and even criminal institution has, in speeches and writings of no inconsiderable weight, been attributed to the Manchester School. To ordinary minds this might appear about as reason-

able as to say that the fire which is consuming a man's house was caused by the well in his garden. But the statement appears to be made and accepted in all seriousness; and it becomes, therefore, desirable to inquire from what particular hallucination or confusion of thought it proceeds. It is evident, then, that those who have given currency to this paradox have been misled by a name. The International, besides being a socialistic and communistic institution in the extreme sense of the term, is also that which its name implies—a society for promoting peace by breaking down the exclusiveness of nationalism. And this latter being also among the aims of Cobden and his disciples, Cobden and his disciples are credited with the dangerous development of socialistic theories. By parity of reasoning, a moral code which should teach lying, if it happened also to teach forgiveness of injuries, might be affiliated upon Christianity, which teaches forgiveness of injuries.

But in truth, Cobden and his school are no preachers of internationalism in the sense that the International is so. The basis of their doctrine is indeed the same. That the maintenance of barriers between nations is in principle barbarous and puerile, and in proportion as civilisation advances will become less tolerable; that men have, in principle, no right to isolate themselves in separate communities, and to shed one another's blood for the possession of particular portions of the earth's surface rather than share it between them, is in both cases the major premiss of the creed. But Cobden was neither a visionary

nor a fanatic. He saw that the deep-rooted prejudice and time-encrusted tradition upon which nationalism rests could not, without the most fatal consequences, be set at nought and defied. To proclaim the "fraternity of peoples," and in that view to preach war upon thrones and other political institutions, was no part of his mission. What he deprecated was the theoretic approval of the existing division of mankind, as if it was not only an evil incapable of remedy, but even an absolute good; what he toiled for was to bind men of all races together in those bonds of self-interest which nature had provided for them, but which they had deliberately rejected; what he preached against was that national selfishness which calls itself patriotism and is satisfied. With those who would steep the world in blood in the name of fraternity, Cobden, though he was cosmopolitan to the last degree, had no more sympathy than with those who would do the same for liberty and equality, though of both he was a most ardent ally.

It is probable that in the whole annals of political paradox no assertion more opposed to the truth than that which attributes to the Manchester School the particular phenomenon known as the International, and considered as the great engine of Red Republican propagandism, was ever given to the world. Yet there is one sense—a sense of which they little dream—in which the paradoxmatists are right. The existence in its present shape of the great communistic association is really to be accounted for not by its communism, but by its internationalism. That which

has inspired it with new life and force ; that which explains it as it stands in all its portentous dimensions in the light of the present day ; that which has even given it the support of moral and intellectual worth, and has already invested it with vast political importance, is not its socialistic denunciation of property, but its proclamation of peace and good-will towards men. From ultra-communistic theories, boldly proclaimed and taken by themselves, there is little to fear. No association, having for its sole object the most flagrant and wholesale social injustice, can ever hope for more than accidental and momentary triumph, followed by fatal and fearful collapse. Society is happily so constituted that plans for its disruption in the interest of a class, however numerous—plans having no basis of right and no colour of justification—are in their very nature incapable of success. They will be repudiated by every one in or near the front rank of moral and intellectual progress ; they will be encountered by superior physical force, backed by an intense self-interest strong in the consciousness of right ; and the result can never be really doubtful. But the case is very different when the organisation which threatens social institutions threatens also the system which in all ages has filled the world with misery and blood. The case is very different when that organisation assumes the character of an incarnate protest against scenes such as those which have of late afflicted and scandalised Europe ; against intolerable burdens imposed upon peace-loving and industrious populations ; against blood poured out in

torrents for dynastic ambition, territorial aggrandisement, or military renown. To such an association there will gravitate in ever-increasing numbers, not only the unreasoning lovers of peace, but also those who are beginning to doubt whether socialism itself has any dangers worse than the military truce which is the normal expression of international relations in our day. Multitudes—formidable not only in their numbers, but in the leadership of ability and worth, who would have held aloof from the red flag of liberty carried alone—will follow it gladly when they see close beside it the olive branch of peace. The doctrines which would make the triumph of the International synonymous with social ruin are powerless taken by themselves. They may be left to the certain operation of their own intrinsic decay. But the wars which of late have desolated the world would have given new hope to the enemies of property and social order. Property and social order are in real peril when they are assailed by an agitation in whose programme peace is to be attained through political unity, and political unity to be attained through freedom. In such a programme there is only too large an admixture of truth. The way to peace lies through the gates of liberty ; but what, in the present state of the world, would be the consequences of liberty is sufficiently evidenced by the mode in which the International understands the term. That the time will come when all civilised human beings will have become qualified to enjoy the fullest measure of self-government cannot indeed be doubted ; and when

that time comes the barriers which separate nations will fall almost of their own accord. Political isolation, inevitable now that each nation is, as it were, the patrimony of a ruling class, will be unable to endure for an instant the unclouded and searching light of a civilised and ordered freedom. Nationalism, essential to the oligarchical institutions by which the world is for the most part now governed and with which it cannot yet dispense, will disappear when it is brought face to face with the enlightened self-interest of the majority, with the educated instincts of a common humanity, and with the precepts of a moral law generally accepted as of divine authority, and by which, in principle, it is emphatically condemned. But until that time, and in the present condition of the most numerous class, the real *de facto* government of the many would mean nothing less than wholesale injustice, intolerable tyranny, chaotic and murderous anarchy, with their inevitable consummation—a prætorian despotism upon a blood-stained throne.

It is then in war, as now looked upon and practised by European States, that the great league for the disruption of society has found its best ally. Some twenty years ago the long repose of Europe was broken by a devastating conflict which scarcely any one, even of its surviving authors, can now be found to defend. Since then it is not too much to say that there is hardly any national passion or aspiration, whether it be pride, envy, antipathy of race, lust of territory, or love of military glory, which is not

recognised as a more or less fit subject for gratification at a cost of war. The "war-path" of the Red Indian is not, to judge from language and appearances, a more familiar subject of contemplation to him, than are "eventualities and complications" to modern diplomacy, by which it means the ghastly and sickening horrors described by correspondents from seats of war in words of disgust and shame. The only nation which it is the fashion to speak of as particularly culpable in this respect is France, because she fights for military fame. But from a moral point of view there seems to be no long step from the love of military fame to the love of extended empire; and for this almost every nation in Europe has either been fighting or is ready to fight. The Danish war and the war of 1866 were made by Prussia for the sake of German unity, which is only another name for extended empire; and of these wars, which were emphatically wars of ambition, the terrible contest lately ended was the natural fruit. In that particular tragedy France was the aggressor; but neither for that, nor for the present state of Europe in general, is France alone to blame. For these the three Governments which in 1854 shattered a peace of forty years, with all its bright promise of permanence, and all its wealth of material and mental progress, for purposes not worthy to be placed for one instant by their side, are primarily answerable. But upon the Governments which from that moment have abandoned themselves to the beggar-my-neighbour game of fleets and armies—which have heaped tax upon tax for the purpose

of enabling them at any instant to rush into conflict on pretexts of which the men of a century ago would have been ashamed—which have rejected every proposal for reciprocal disarmament—and which have apparently ceased to consider that war for any cause whatever, if only a nation which goes to war supposes itself to be in the right, can possibly be without justification—upon these also a heavy load of responsibility is laid.

There is but one great European nation which at present appears at all inclined to act upon sound principle in this respect, and that is our own. It were much to be desired that England could make up her mind to dispense with the cost, as well as with the crime, of participation in unjustifiable wars; but the fact remains that her instincts have of late guided her to a policy—which it may be hoped her reason will confirm and perpetuate—of conciliation and of peace. Sneers and vituperation have hitherto failed to divert her from that policy. To accuse her of pusillanimity (unless it be for the ridiculous invasion panics) and unpatriotic greed is indeed to ignore the whole history of her march to greatness; and firmly adhering to the right, she can afford to disregard the insinuations of envious criminality. That in time her example may be followed is the best hope for humanity. Otherwise, it is not visionary to apprehend that some terrible and unprecedented calamity is in store for the world. The bustle of cannon foundries and arsenals, and the ever-increasing activity of a tax-gatherer, serving diligently the purposes of military



prestige or balance of power, may find at length an answering energy in the breasts of those who, caring for none of these objects, have too long paid for them with their wages or their blood. The hundreds who are daily swelling the ranks of the International, and the stream of gold which is pouring into its coffers, have already made of it a formidable power; and the next war which disgraces Europe on the scale of 1870 may be followed by some great and unexampled catastrophe—some effort more fatal than the last, of an outraged *prolétariat* to grasp the liberty which it is not fitted to enjoy—some protest against selfish barbarity and blood-bespattered ambition more disastrous than the prostrate column of the Place Vendôme.

LETTERS AND MINUTES  
ON  
INDIAN SUBJECTS.

## PREFACE TO THE INDIAN MINUTES,

THE HONOURABLE VERE HENRY HOBART, by courtesy styled Lord Hobart, was the seventy-first Governor of Fort St. George or Madras. Eighty years before him, his great-uncle, Robert, Lord Hobart, held the same post for three years and a half: during whose government, in the course of the war that arose between England and the Batavian Republic, the Dutch were compelled to surrender Malacca, Banda, Amboyna, and all their possessions in Southern India, together with the island of Ceylon, which was for some time administered by Lord Hobart, from Madras. On his appointment as Governor, he was nominated to succeed to the office of Governor-General of Bengal, in the event of the death or resignation of Sir John Shore (Lord Teignmouth); but dissensions arising between Madras and the Supreme Government, respecting the pressure put by Lord Hobart on Umdat-ul-Umará, son and successor of Walajah, Nabob of Arcot, in order to induce His Highness to cede his wretched, misgoverned country, the Court of Directors ultimately appointed the Earl of Mornington to

Bengal, assigning Lord Hobart a special pension of £1,500 a year, in recognition of his services in India, and perhaps also by way of *amende* for his supersession. On his return to England in 1798, he was summoned to Parliament in the lifetime of his father, the third Earl of Buckinghamshire, as Baron Hobart of Blickling. From 1812 to 1816 he was President of the Board of Control, and in that position rendered signal benefit to Madras by sanctioning and supporting the schemes of police and judicial reform advocated by Colonel Munro.

The earliest factory established by the East India Company within the territories now included in the Madras Presidency was at Calicut, A.D. 1616. In 1621-22 factories were formed at Pulicat, Pettipolee (now Nizampatam), and Masulipatam. At Pulicat the Dutch had already settled: and it was with their permission, under the operation of the treaty of 1619 concluded between James I. and the States General, that the English factory was built. The hostility of the Dutch settlers was however so virulent, that in the following year the English Company withdrew from the place. Six years afterwards, the exactions of the local governor induced the English to withdraw (temporarily) from Masulipatam also. They enlarged and fortified the factory they had established in 1625-26 at Armagon,\* a port sixty-six miles north

\* Properly "Áru-mukham," the Tamil equivalent to "Shan-mukha," the god figured with six heads, the Hindu god of war. One Patnaswámula Áru-mukham Mudali, the local Karnam or village accountant, gave the ground.

of Madras. After Armagon, comes the factory of Viravesaram near the port of Narsapur, 1634-35; then in 1639 the original settlement of Madraspatam.\* This was the first Royal grant, having been obtained for the Company by the local Naick, Dámarla Venkatádri (ancestor of the Zamindars of Kálahasti), from Sri Ranga Ráyulu, representative of the famous Vijayanagar dynasty, then reigning at Chandragiri, ninety miles north-west of Madras. The grant covered a space roughly estimated at five miles in length by one mile in breadth. Seven years after this patent, the Hindu State of Chandragiri was subverted by the Musalman King of Golconda, to whom the factors at Madras sent a deputation to obtain a confirmation of their grant. Some delay occurred, and the farmán was not delivered till 1683, four years before the Golconda dynasty itself was subverted by Aurangzeb. Finally, on the 12th August, 1765, the Company's possession was con-

\* The grant enjoined that the station should be styled "Sri-Ranga-ráya-patnam"; but the local Naick's desire that it should receive the name of "Chennappa-patnam" after his father, finally prevailed. The native town is so called by the Hindus to this day. The adoption by the English of the name "Madras" arose as follows: the site proposed for the factory was occupied by a village of fishermen, to gain whose assent to the removal of their huts, one Béri Timmappa, the Company's *dubash* or agent, promised that the factory should bear the name of their head man, Mádarasan. Since the preaching of Xavier, the fishermen of Southern India have nearly all remained Christians. The name Mádarasi (*máda* + *arasi*, i.e. mother and queen) is one often given to girls, in honour of the Blessed Virgin; and by changing *arasi* into *arasan*, "king," an auspicious name is sometimes secured for boys also.

firmed by Sháh Álam, by way of Inám or free gift, probably the last year in which an Inám of this kind was granted by the Great Mogul.

From its establishment in 1639 till it became itself a "Presidency" in 1653, Madras or Fort St. George remained under the jurisdiction of the Presidency of Bantam in Java, the first settlement of the East India Company that was so designated. Five years later, the settlements in Bengal, then consisting of Pipli and Balasor on the coast of Orissa, and of Kásimbazar near Murshidabad, were placed under Madras, and so continued down to 1681, when the Bengal Agency was made a Government "without any subordination to Fort St. George."

It would be tedious to enumerate the several acquisitions of territory—forty-nine in all—which constitute the Presidency of Madras, now covering an area of 141,000 square miles, the Native States under its control giving an additional area of nearly 10,000 square miles, and the population of the whole numbering 35,000,000. For nearly 150 years the administration was carried on by a Governor, assisted by, sometimes as many as eighteen, members of Council. The Councillors comprised all the principal officials of the Presidency; the Governor and four others forming the "Select Committee" of the Council, for the purpose of disposing of any special questions which the Court of Directors might reserve for their consideration. The Directors in their turn were controlled by the

proprietors of East India Stock, by whom they were elected each year. Under the powers granted to them by the Charter of 1698, the proprietors took an active, and often a very mischievous, part in almost every question touching either the domestic or the foreign affairs of the Company: conferring and revoking the highest appointments in India, staying prosecutions for corruption, restoring servants dismissed by the Directors, and defeating important measures recommended by that body as essential to the public interests. The passing of the India Bill of 1784 (amended by the Act of 1793), which established a Board of Control, put an end to this obnoxious system. The same enactment reduced the number of the Governor's Council to three, of whom one was to be the Commander-in-Chief; and two years afterwards it was provided that the other members should be persons who had passed at least twelve years in the Civil Service of the Company at Madras. This last Act gave the Governor-General and the Governors of Madras and Bombay the power, "as each shall answer for it to his country," of acting independently of the votes taken in Council, in cases of great emergency and importance.

The following Minutes are a record of the principal subjects which came under the consideration of the Madras Government during the three years Lord Hobart was Governor and President of the Council, May, 1872, to April, 1875. His Minutes on the Salt Tax were published by Lady Hobart seven years ago;

they now reappear in the Appendix to the present volume. The total number of his official Minutes is 124; but many are of no permanent interest, while others relate to matters which it would be inexpedient to publish, though in the latter category I have more than once waived my own opinion in deference to Lady Hobart's. In the first of these divisions, after selecting for annotation the leading paper in each series, I have placed some thirty Minutes, relating to the form and extent of taxation in certain Municipalities—subjects on which Lord Hobart and his Council were often at variance. Lord Hobart, who came out to Madras persuaded that the system of taxation, which a few years previously the local Legislature had initiated for the material and moral improvement of the country, presented many harsh features, felt himself bound to take every opportunity of mitigating the evils he feared. Both in this case and in others, where he had formed a strong opinion, his generous and impulsive disposition allowed him no rest; no compromise was possible; more than once, when he had appealed unto Cæsar in vain, he was ready to resign his commission, and was with difficulty dissuaded from doing so. Those who knew and loved the author of the Minutes which it is now decided to publish, as well as all who believe that the best security for British rule in India is the confidence of its people in the justice and benevolence of their rulers, will rejoice to find in the papers I have edited abundant evidence that he was strongly animated by those qualities, endearing himself to all classes of the



community, who lamented his sudden and untimely death as a general calamity. His colleagues in the Government of Madras "in sorrowful and affectionate remembrance" recorded their appreciation of his laborious life, his warm sympathy for the people, and his zeal for the moral and material progress of the Presidency.

# LETTERS AND MINUTES

ON

## INDIAN SUBJECTS.

### THE CYCLONE AT MADRAS, 1872.

LORD HOBART landed at Madras on the 15th May, 1872. "The sight which met our eyes on our arrival here," he writes to Lord Northbrook, "was very distressing—the shore strewn with wrecks, and the pier torn in pieces. It is surely discreditable to us in the eyes of the world that even in calm weather there is no easy or safe approach to the capital of this Presidency. The 'Madras Roads,' which is the name given to about the most exposed part of a stormy coast, are a by-word and jest both to Englishmen and foreigners."

On the 2nd May a cyclone broke on Madras, and there were wrecked on the beach facing the custom-house, 9 English and 20 native vessels, with a loss of 19 lives. On the 21st idem a Committee was appointed by the Government to inquire into and report on : (1) the conduct of the officials at Madras on the occasion ; (2) the arrangements made, or that should have been made, for meeting the emergency, and the appliances and preparations which might appear to be necessary on the recurrence of storm and shipwreck at Madras. There was at that time no harbour at the Port, but only open roadstead ; the holding ground is

good, but there is generally a heavy swell from seaward, especially if the wind remains long at east. However, the only times of danger are during a hurricane, which happens once in eight or ten years, and when it blows hard for any length of time from about E.N.E., *i.e.*, dead on shore. Many vessels and lives have been lost in these short easterly gales, which seldom last more than twelve hours and do not affect the barometer at all, whereas that instrument always gives timely notice of a *hurricane*. On the 22nd June the Committee submitted their Report, censuring certain officers of the Marine Department for supine and careless conduct on the occasion, pronouncing the appliances for saving life and property to be lamentably deficient, and suggesting certain recommendations to be embodied in a Code of Rules for observance in future cases. Lord Hobart's Minute,\* following this Note, shows the business-like method in which he treated the subject; but his interest in the matter did not stop here. Owing entirely to his exertions, sanction was at length obtained for the construction of the Madras Harbour, according to the scheme of Mr. Parkes, who designed the harbour at Kurrachee. So numerous were the various objections advanced by financiers, Chambers of Commerce, engineers, and other authorities, that he often despaired of success. The final despatch of the Secretary of State, the Marquis of Salisbury, approving Mr. Parkes's plan, and directing the Government of India to advance the sum estimated by the Government of Madras, who were to provide for the levy of dues sufficient to yield four per cent. on the amount, is dated 11th March, 1875. A copy of it was unofficially furnished to Lord Hobart, and gratefully acknowledged† by him; but the Reso-

\* It is thought unnecessary to give the whole of it; the paragraphs commenting on the responsible officers are therefore omitted.

† Lord Hobart to the Marquis of Salisbury, dated 27th March, 1875: "Your decision in favour of a harbour for Madras has given me very

lution of the Government of India, carrying it into effect, did not reach Madras till a few days after his death on the 27th April following. The work was commenced in June of the same year, and at the close of the fair season of 1881 was approaching completion; but the terrible storm of 12th November of that year so seriously damaged it, that the cost of its reconstruction will not be less than £480,000, and this further sum has been sanctioned by the Secretary of State, on the joint Report of Sir John Hawkshaw, Sir John Coode, and Professor Stokes.

MINUTE NO. I.—BY THE RIGHT HON. THE PRESIDENT,

*Dated 8th July, 1872.*

The report and evidence now before us are a proof that the disastrous occurrence to which they refer has not been without its advantage. It has at least had the effect of bringing to light the absence of any effectual provision for contending with the storms which threaten our exposed anchorage, and especially of an essential ingredient in such provision, the full comprehension by the officers of the different departments concerned of the duties which severally devolve upon them. We may now hope that, owing to the action of the Government in this case, any similar emergency in the future will be encountered with some probability of success.

great pleasure; and perhaps I may be allowed to congratulate you on the fact that your name and administration will be associated with a work of such vast commercial and social importance to Southern India, and against which such formidable forces have been so long arrayed. I have a strong impression that much more, even of direct advantage to this country, will come of it than we have allowed ourselves, in our estimates and arguments (for we have always been carefully on the safe side), to anticipate."

There are three questions with which the Government has here to deal, viz. :

1. Were proper measures of precaution taken in view of the coming gale ; and if not, who is responsible for the omission ?

2. When the tempest actually broke, how did the officers of the several departments acquit themselves of the duties which fell to their charge ?

3. Were the mechanical means at their disposal, and the regulations under which these are applied, such as the nature of the case required ? and if not, what changes are in this respect desirable ?

1. With respect to the first question it is to be observed, that as early as the 29th April the weather showed signs of approaching evil, which continued and increased till towards evening on the 1st of May. . . . . Further, the Port Rules require that sailing ships shall anchor outside  $6\frac{1}{2}$  fathoms water, and that in threatening weather captains shall go on board their ships, and make ready to put to sea. Not the slightest endeavour was made to induce compliance with these rules. It is not too much to say that most, if not all of the loss of life and property which ensued, might have been prevented but for this dereliction of sufficiently evident duty. . . . .

The weather appears to have cleared towards the evening of the 1st May, insomuch that all the nautical men interested seem to have believed that the danger was over. But during the whole of the 30th April and 1st May the Government Astronomer represents himself as aware of the probability of a

hurricane, and between 5 and 6 o'clock P.M., on the 1st, he was completely convinced of its approach. The reading of the Observatory Barometer was at that time such that the Deputy Master Attendant states that had the reading of his own Barometer been the same he should at once have ordered the ships to sea. . . .

2. The second question is as to the conduct, when the crisis actually arrived, of the officers of the several Departments concerned. . . .

3. The third question concerns the mechanical appliances at the disposal of the authorities, and the regulations under which they are brought into action.

As regards mechanical appliances, the deficiency (as shown in the Report and evidence) is at present lamentable. There is a rocket apparatus (kept at the Fort), but only one rocket tube, which was soon seriously injured by frequent use. There are three cradles in good order, but the ropes are old, and no one considers it his business to renew them. As regards the measures to be taken by the Government in this respect, the suggestion of the Committee (paragraph 17 of Report) that three sets of life-saving apparatus such as there indicated, should be provided, and as to the mode in which these things should be disposed of and brought into use, seems to be such as may properly be adopted.

As regards the regulation of the proceedings to be taken for the preservation of life and property in similar occurrences—it appears that at present there are, practically speaking, no regulations at all. No

one has any idea to whom he has to look for direction ; and, as if to take away all possibility of his having one, the officers of the Marine Department have no distinctive costume. It is sufficiently evident that no orderly or efficient action is possible, unless the Marine officials are invested with some uniform, or easily seen badge of distinction. With the addition of a provision to this effect, the arrangements proposed by the Committee seem to be for the most part such as should be embodied in a code of rules to be issued by the Government. Of these, one of the most important will be a rule requiring the Marine Department to adhere strictly to the instructions of the Board of Trade in regard to the use of the rocket apparatus, instead of leaving (as they do at present) to the half-drowned and bewildered crew of an endangered vessel the task of finding an essential part of the machinery required.

The duty which the Government has now to perform seems to be :—

First.—Where it sees reason to be dissatisfied with the conduct of the officers in the several departments answerable for the proceedings adopted, whether before or during such an occurrence, to communicate to them its opinion accordingly ; and (while making due allowance for the almost unprecedented gravity of the crisis with which they had to deal) not to shrink from censure where it is deserved.

Secondly.—To issue as soon as possible (a) Orders to be observed in the way of precaution against the future occurrence of such events, and (b) Regulations

to be acted upon in case they should occur;—taking care that every person upon whom the execution of such Orders or Regulations may in any degree depend should be provided with a copy of and should fully understand them.

The Orders should comprise a special injunction to the Marine Department to furnish annually, before the season of Monsoon arrives, every master of a vessel in the roads with one of the Circulars above referred to, containing directions to be followed at that season of the year, and to insist on a strict observance of the Port Rules, especially in regard to the anchorage and berthing of ships. The Regulations should (I think) be such as I have above suggested:—that is, they should be, with some addition, substantially the same as those recommended by the Committee in the 17th and following paragraphs of its Report.

(Signed) HOBART.



## MUHAMMADAN EDUCATION.

SOME very important improvement has resulted to the Muhammadans of Madras from the action taken on the following Minute. The percentage of Muhammadans to the total population of the Presidency is six; the percentage at school was found in 1871-72 to be 4·4, or 5,531 out of a total numbering 123,689. It was shown in reply to the inquiries instituted by Lord Hobart that, if but few Muhammadans were employed in the higher grades of the public service, it was because few had qualified for admission thereto. Meanwhile the Director of Public Instruction considered that his department had done all that it could for Muhammadan education, and the Syndicate of the University, an independent body, did not see that any steps could be taken by it which would be likely to attract a larger number of Muhammadan undergraduates. The Government of Lord Hobart was, however, convinced that the existing scheme of Public Instruction was framed with too exclusive reference to Hindu students, and that Muhammadans were placed at so great a disadvantage that the wonder was, not that the Muhammadan element in the schools was so small, but that it existed at all. It was therefore decided that elementary schools should without delay be established "at the principal centres of the Muhammadan population, in which instruction will be given in the Hindustani language, and Muhammadan boys may thus acquire such a knowledge of the English language and of

the elementary branches of instruction as will qualify them for admission into the higher classes of the Zillah and provincial schools and other similar institutions. . . .” Arrangements were also, without loss of time, to be made for the training of Muhammadan teachers; and instruction in Persian was to be provided in any high schools in which there was a sufficient number of Muhammadan students.

Ten years afterwards, in 1880–81, the special schools maintained by Government were 11 in number, 7 Anglo-vernacular middle schools and 4 Anglo-vernacular primary schools. Nine schools, Anglo-vernacular or vernacular, were maintained by municipalities; and of aided schools, with a special provision for Musalman pupils, there were 4 Anglo-vernacular and 210 vernacular. Other inducements had also been held out to Musalman students. They were admitted to all schools upon payment of half the usual fees; seven scholarships were specially reserved for Musalman candidates at the University examinations; a special Deputy-Inspector of Musalman schools had been appointed; an elementary normal school had been established at Madras; and the University of Madras still continued to allot to the Arabic and Persian languages at its examinations a maximum of marks considerably larger than that carried by vernacular languages. The combined result of these measures was eminently satisfactory. In place of the 5,531 Musalmans at school in 1870–71, the returns for 1880–81 give 22,075. But it is not in numbers only that progress has been made; the percentage of Musalmans passed to Musalmans examined is nearly as high as that for any other class of the community, in the Middle School and Lower University examinations; but at present, from whatever cause, they seldom stay at college long enough to qualify themselves for a degree at the University. Accepting the fact that, at all events in many parts of India, the Musalmans have fallen behind the rest

of the population, the Education Commission make several special recommendations in their favour. The Government of India have reserved this important subject for separate consideration.

MINUTE NO. II.—BY HIS EXCELLENCY THE PRESIDENT,  
DATED 29TH JULY, 1872.

*Muhammadan Education and Employment of  
Muhammadans in the Public Service.*

The gradual disappearance of Muhammadans from the public service of this country has of late attracted much attention both here and in England. That such disappearance is by no means imaginary so far as concerns this Presidency is shown by the table (A) annexed, from which it will be seen that of the 485 natives of India (of whom 417 are Hindoos) holding Judicial, Magisterial, or Collectoral appointments in the Presidency only *nineteen* are Muhammadans.

I submit that this is a state of things which ought not to continue. It is injurious, not only to the Muhammadans themselves, but to the most vital interests of the Empire. As regards the Muhammadans themselves—that they should have passed, from intimate association with us in the government of territories which they once ruled, into almost absolute political insignificance, and should have been superseded in that association by races whom they have subjugated, and whom they consider, not without reason, very inferior to themselves, is a result full of bitterness for Muhammadans, and which

Englishmen, if on that account alone, must view with regret. On the other hand, it is a result in the last degree prejudicial to English interests in this country. In the first place, the exclusion of any class of the community, by any other fault than its own, from political power to which other classes are admitted, and for which it is not disqualified, is opposed to the general principles of political science; in the next, when the class excluded has a character and a history such as those of the Muhammadans of India, the temptation to disaffection and (should occasion occur) to conspiracy against the State is exceedingly strong; thirdly, the State, in losing the services of Muhammadans, loses the services of men possessing some peculiar qualifications for the business of government, and which are probably more valuable than those possessed by the races who have supplanted them; fourthly, one of the principal objects of according to natives a participation in our Government of India is that they may be interested in its stability, and this object is all the more important in the case of a class whose power for good or evil seems to be greater than that of any other in this country.

Before a remedy can be applied to the evil under consideration its causes must be clearly understood. These appear to be as follows:—

1. Muhammadan law and the languages in which it was conveyed have long ago given place to English law and the English language throughout India; and, therefore, the demand which formerly existed for Muhammadan functionaries in all the departments of

administration in which legal knowledge is required has long ago ceased.

2. That very few Muhammadans qualify themselves for the public service, and this for two reasons, viz., (a) that they are under the impression that the Government is disinclined to admit them, whether qualified or not, to public employment; and (b) that such qualification is attainable only by means of the education given in schools established or aided by the Government, and that for the most part they object, on religious or other grounds, to that education.

The first of these causes—the change in our system of jurisprudence—is beyond the control of Government; the second it is in our power to modify or remove.

We have, then, to consider the two reasons (a and b) which, as above stated, seem to prevent Muhammadans from qualifying themselves for the public service, and in what manner those reasons can be made to disappear.

The first of those reasons (a) is the impression which prevails among Muhammadans that, even if qualified, men of their religion are scarcely ever selected to fill a vacant office. That this does not arise (as they suppose) from any prejudice on the part of the Government against them, may be safely asserted; that it is the fact, cannot be denied. And the explanation of the fact seems to be this—that qualified Hindoos, being more eager and ambitious aspirants to public employment than qualified Muhammadans, the former usually present themselves in the

van of the crowd of candidates, while the latter are relegated to the background. The Hindoo is vigilant, unreserved, and self-asserting; the Muhammadan is indifferent, proud, and self-contained. The natural consequence is that the former is very commonly preferred to his equally well or even better qualified Musalman competitor.

I would suggest, then, that the Government should address a Circular to the Judges, Collectors of districts, and other Heads of Departments throughout the Presidency, stating that our attention has been called to the comparatively small number of Muhammadans employed in the public service; that we are anxious to see them take a part in it more proportionate to their numbers and intelligence; and that with this view we desire that the claims of those Muhammadans who have satisfied the prescribed tests should be the subject of special consideration when vacancies occur. We should also request them to furnish us with lists of Muhammadans now employed in their different districts or offices on salaries above rupees 10 per month. Such lists should be in a tabular form, showing the name of the person employed, his salary, the designation of his appointment, the vernacular languages with which he is acquainted, the nature of the tests which he has passed, with any other such particulars which may appear desirable; and it should be arranged that similar information on the same subject should from time to time be communicated to the Government. Two lists which have been made out by Colonel Wilson—one of Muhammadans now holding office,

and from whom some might be selected for promotion; the other, of Muhammadans qualified for, but not employed in, the public service—might accompany the Circular; and the Heads of Departments must be directed to bear in mind these lists in the event of vacancies occurring in any of the appointments under their control.

If by measures of this nature, Muhammadans can once be convinced that their claims to public employment will be fairly considered, one advantage will be that an inducement will be offered to them, which does not now exist, to enter our educational institutions. One of the causes—though not the chief cause—of the almost entire absence of Muhammadans from our Schools and Colleges is this very impression, which it is now proposed to remove, that in face of the official preference for Hindoos and others it is useless to prepare themselves for the service of the Government.

The second ground (*b*) upon which Muhammadans abstain from self-qualification for official position is (as we have seen) that the education given in the Schools established or aided by the Government is of a kind to which Muhammadans, on religious or other grounds, are opposed. This evil—the reluctance of Muhammadans to avail themselves of our educational system, of which one of the causes has just been noticed, but of which the chief cause is this objection on their part to the nature of that system—constitutes in itself a serious calamity. The non-education, or the illiberal education, of a component part of the

population of our Indian Empire which, though in a numerical minority, is in many respects the most important of all, is a misfortune under which it is impossible for us to rest content. To show that the evil actually exists the fact has only to be stated that, as will appear from the table (B) annexed, out of 115,212 pupils educated in Schools or Colleges established or assisted by Government in this Presidency, there are only 4,285 Muhammadans.

If, then, we can succeed in removing this second reason for the reluctance of Muhammadans to qualify for the public service, we shall not only have gone far to accomplish the immediate object in view—their admission to that service—but we shall be removing at the same time that which is a still greater evil than their exclusion from it—their non-attendance in our Schools. There could scarcely be a stronger case for making the attempt.

The question, therefore, is whether some modification of our educational system may not be possible which would obviate the objections entertained by Muhammadans to that system. Those objections seem to be at present very imperfectly understood. Some persons suppose that it is a point of religious duty with Muhammadans not to learn English; but this seems to be disproved by the existence of such institutions as the Madrasa-Azam in Madras, which is not the only one of its kind. Another statement is that Muhammadans will not send their children to our Schools because the Koran, or because Persian or Arabic, is not taught there. My own impression is



that one of their principal objections is the absence of Musalman teachers; and I should suppose that there would be no great difficulty in providing such teachers for any of our Colleges, and for all our Schools in any of the districts where there is a considerable Musalman population. These, however, are questions on which the Educational Department must be in a condition to advise us; and I would suggest that the Government should at once place itself in official communication with that department, with a view to obtain full and explicit information and advice in this respect. The questions requiring answer are:

1. What are the most cogent objections felt by Muhammadans to our method of instruction; and might not that method be so far modified as, if not entirely to obviate such objections, at any rate so to diminish their force as to effect the object in view? There must surely be in existence some two or three Muhammadan gentlemen who would be able and willing to enlighten us on these points; and the Director of Public Instruction might be directed to confer with those gentlemen in order to obtain the means of furnishing us with a full reply to our inquiry.

2. What are the practical measures which they would recommend with a view to carry into effect any such modification? I cannot but think that with energetic and persistent action in this matter some satisfactory result is possible. I am strongly inclined to believe that if the Musalman repugnance to our educational system were carefully analysed, mis-

understanding and unfounded suspicion would be found to be in a great measure accountable for it; and these, by the use of such weapons as candour and mutual confidence, it seems far from impossible to overcome.

HOBART.

TABLE A.

*Showing the Proportion of Muhammadans employed in the Upper Grades of the Uncovenanted Civil Service.*

Designation of Appointment.	Hindoos.	Muhamma- dans.	Others.	Total.
<i>Judicial Department.</i>				
Principal Sadr Amins on salaries of Rupees 500...	10	...	2	12
District Munsifs on salaries from Rupees 200 to Rupees 300 ... ..	87	6	17	110
Total...	97	6	19	122
<i>Revenue and Magisterial Departments.</i>				
Deputy Collectors and Magistrates on salaries ranging from Rupees 250 to Rupees 600 ... ..	31	2	17	50
Tahsildars... ..	143	4	9	156
Sub-Magistrates ... ..	146	7	4	157
Total ...	320	13	30	363
Judicial Department do ...	97	6	19	122
Grand Total ...	417	19	49	485

TABLE B.  
*Educational Statistics.*

Description of School or College.	Hindoos.	Muhamma- dans.	Others.
<i>Institutions for General Education.</i>			
Government Colleges ... ..	1,476	15	208
Do. Schools, Higher Class	1,773	272	84
Do. do. Middle do.	4,266	213	93
Do. do. Lower do.	741	...	...
Do. do. Mixed Schools	...	...	25
Private Colleges ... ..	1,537	123	633
Do. Schools, Higher Class ...	5,636	317	919
Do. do. Middle do. ...	16,323	729	3,235
Do. do. Lower do. ...	50,615	2,359	2,861
Do. Mixed Schools, Middle Class	379	11	748
Do. do. Lower do.	6,571	195	3,239
Do. Female Schools, Higher do.	...	...	122
Do. do. Middle do.	2,333	...	3,069
Do. do. Lower do.	688	...	968
Total ...	92,338	4,234	16,204
<i>Institutions for Special Education.</i>			
Medical College ... ..	33	3	68
Civil Engineering College... ..	17	3	61
School of Industrial Arts ... ..	103	11	153
Ordnance Artificers' School ...	...	...	75
Government Normal Schools for training Teachers ... ..	985	16	117
Private Normal Schools ... ..	354	18	419
Total ...	1,492	51	893
Institutions for General Educa- tion	Total ...	92,338	4,234
Grand Total ...	93,830	4,285	17,097
115,212			

## THE INCOME TAX.

THIS was one of "the three tremendous taxes"—as they were described by Sir Charles Trevelyan at the time—suggested by Mr. Wilson, who went out to Calcutta as the first financial member of the Governor-General's Council, at the close of the Sepoy Mutiny of 1857–8. Fortunately for the peace of British India, his Tobacco Tax and License Tax were not imposed; but his Income Tax—unaccompanied by reductions in expenditure then declared, and afterwards found, to be practicable—was levied on every description of income and property, without exception. It commenced at  $4\frac{3}{4}d.$  in the pound on incomes between £20 and £50, and at  $9\frac{1}{2}d.$  in the pound on all larger incomes. The first year's return was £2,000,000. The following year, 1862, its pressure was abated, and the tax on incomes below £50 abandoned; again in 1863 the rate on other incomes was reduced from 4 to 3 per cent. In 1865 the tax expired, and Sir Charles Trevelyan, then financial member of Sir John Lawrence's Council, did not renew it, laying it on the shelf "complete in all its gear." Four years afterwards, at the milder rate of 1 per cent, it was again imposed, commencing on incomes of £50; this was raised, first to  $1\frac{1}{2}$  per cent., then to  $3\frac{1}{8}$  per cent. Finally, when the tax was abandoned in 1873, the rate stood at a fraction over 1 per cent., the assessable minimum at £100, and the return at £600,000.

It has not again been renewed. In 1877, when it was

determined to form a Famine Relief Fund, Sir John Strachey—who declares himself to be one of those who have always regretted the loss of the Income Tax, and have always believed that it might with great advantage have been maintained as one of the permanent sources of Indian revenue—finding special reasons which at the time rendered it hardly possible to reimpose it, suggested in its stead a license tax on all traders—a class contributing almost nothing to the expenses of the State in India—whose presumed annual profits exceeded a certain amount. Under this scheme the lower minimum of liability to the tax was first fixed dangerously low; more than a million of people were paying in direct taxation no larger sum than £340,000 a year. A readjustment was made, and a quarter of a million traders now pay on an average forty shillings each. Sir John Strachey claims for the present License Tax that, if imperfect, it is, as far as possible, equitable in principle, and capable of future development into a system which would secure many of the objects aimed at by a general Income Tax. The following opinion, delivered by Lord Lawrence, of whom it is justly said that no man knew India better than he, and never was there a man who would have more strongly and indignantly refused his consent to measures which he thought must entail injustice and oppression on the people, was not before the world when Lord Hobart penned his Minute. “I believe,” said Lord Lawrence, “that there are some classes of the community which have borne no proper share of the public burdens, although no classes are better able than they to bear their share; that it is by direct taxation alone that they can be reached; and that by reasonably good administration, which it is certainly within our power to secure, there is no necessity whatever for any gross abuses in the assessment or collection of taxes of this kind.”

## MINUTE NO. III.—FINANCIAL DEPARTMENT.

Valid arguments for the retention of the Income Tax in India are by no means wanting. Limited as at present, it is paid by few who cannot afford to pay it, and creates no popular discontent. It subjects to taxation the incomes of a wealthy class, which, but for the existence of this tax, would escape all participation in the public burdens; and it acts as a powerful inducement to economical administration by enlisting on the side of economy the class upon which, directly or indirectly, depends the amount of public money expended, and the mode in which it is applied.

But, when all is said, the balance of argument seems to require that the tax should be abolished. It may even be doubted whether there are any considerations in its favour sufficient to countervail the extreme unpopularity of the tax with the whole European and an influential minority of the Native community, and (on the other hand) the comparative unimportance of the amount which it yields to the Treasury. The tax, however, seems entirely unsuited to the circumstances of this country. The three great objections to it as imposed in Europe—its inquisitorial character, its necessarily inequitable incidence, and the temptation which it offers to dishonesty—apply with infinitely greater force among Eastern nations. The Native taxpayer in India (at least in Southern India) is, by hereditary feeling, the result of a habit of self-defence against the

arbitrary exactions of former rulers, accustomed to look upon the disclosure of his possessions as an act of folly, if not of delinquency. Anything approaching to an accurate estimate of his income seems therefore impossible, and the amount of injustice which this implies in the assessment of the tax may be imagined. How long an Income Tax would be tolerated in England if every person liable to it either refused to return his income or returned it falsely, it is not difficult to predict. To these considerations must be added (so far at least as this Presidency is concerned) the demoralising effect, both upon the taxpayer and upon the public service, of the corruption and favouritism incidental to the assessment and collection of the tax, placed as they necessarily are, to a great extent, in the hands of a class which is far from being proof against such influences. On the whole, it appears that the amount (some £600,000 a year) derived from the Income Tax is obtained at a cost to the community very disproportionate to its financial importance; in other words, that, except on grounds of absolute necessity, the tax ought no longer to be retained.

(Signed) HOBART.

*30th December, 1872.*

## THE MADRAS ARMY.

IN 1707, the closing year of the reign of Aurangzeb, the garrison maintained at the Factory of Madras-patnam consisted of a dozen European soldiers, though the civilians, the merchants, and writers could and did turn out to fight occasionally. The next forty years saw some enlargement of this force. It was raised to 200 Europeans; and the factory was surrounded with a slender wall, defended with four bastions and four batteries, weak and badly constructed, but sufficient to hold in check the contiguous native powers.\* In September, 1746, when the French, with a well-disciplined army, advanced to besiege the place, it could make no defence, and capitulated at once. Fort St. David, 100 miles to the south, now became the Presidency town, and it was there that native troops were first raised. For twelve years, however—*i.e.*, from 1746 to 1758—the Madras Government seem to have had “a low opinion of the natives of the Carnatic, and to have been ignorant of what might be made of them by discipline. This is the more remarkable, for they had before their eyes the example of the French, who, from an early period, had

\* In their letter to Fort St. George, 20 Jan., 1741, the Court of Directors congratulate the local authorities on their having answered “from the mouths of our cannon the late insolent demand of the plundering Mahratta invaders who came within our bounds; you must by no means become tributary to, or suffer contributions to be levied on us, either by the Moors or Mahrattas.”



trained their Sepoys with good results. The English continued, notwithstanding, to prefer any material for soldiers to that which lay immediately under their hand. They enlisted European adventurers of all nations, the refuse of their respective countries; they hired Topassees\* and Caffres;† they sent to Bombay for Arabs, Rajputs, and Hindustanis; they purchased slaves in Madagascar; till, about 1758, the absence of most of their troops in Bengal"—whither they had accompanied Colonel Clive, a few months before the Battle of Plassey—"and the prospect of a French war compelled them to turn their attention to the people of the country."‡ Plassey was fought in 1757, and Wandewash, under Coote, in 1760. The first was not a great battle in a military sense, and the second was won by the European troops alone. As justly observed by Colonel Wilson, the native army of Madras received its *baptême-de-feu* at the decisive action of Trincomalee, which ensued on the invasion of the Carnatic by Hyder Ali and the Nizam in 1767, when Colonel Smith's force of 16 guns (field-pieces), 800 European infantry, 5,000 Sepoys, and 1,000 of the Arcot cavalry defeated an army of 109 guns, many of them 18 and 24-pounders, 43,000 cavalry, and 28,000 infantry. The subsequent career of the old "Coast Army," during the second war with Hyder, the first and second wars with Tippoo, the wars with the Mahrattas, the Chinese, and the Burmese, is well known, as is its fidelity during the great Sepoy Mutiny of 1857-8. Amongst the regiments it was proposed to break up on the occasion which led Lord Hobart to record the following Minute was the 4th Light Cavalry: "Are we, then," he writes to Lord Northbrook, "to lose this glorious

\* Descendants of Portuguese fathers by Indian mothers, so called from wearing a hat--*topi*.

† Literally "infidels"—negroes from Africa.

‡ Colonel Wilson, "History of the Madras Army."

regiment? Is there no reverence for Assaye?"\* It has recently been decided that the Madras army shall stand in its ancient position, dependent primarily on the Commander-in-Chief and the Government of Madras, and not as a mere *corps d'armée* under a commander-in-chief at Simla, as the majority of the Army Commission in India had proposed. It comprises 32 regiments of native infantry, 1 regiment of Sappers, and 4 regiments of native cavalry. H.R.H. the Prince of Wales is now the honorary Colonel of the 4th Light Cavalry and of the "Queen's Own" Sappers and Miners.

MINUTE NO. IV.—BY THE RIGHT HONOURABLE THE  
PRESIDENT, DATED 7TH JANUARY, 1873.

*Proposed Reduction of the Madras Army.*

The Madras Army at present consists of (in round figures) 42,000 men of all arms, of whom 31,000 are Native, and the rest British. Of these 31,000 Native troops, not more than between 12,000 and 13,000 are serving within the limits of the Madras Presidency, the rest being employed in Burmah, in Central India, in the Nizam's dominions, in Mysore, and in Travancore.

It is not suggested that the numbers of the Madras Native troops thus serving beyond the limits

\* Three regiments of Madras Cavalry, 4th, 5th, and 7th (the last two long since broken up), two battalions Madras Artillery, five Madras Infantry, a detachment of Bombay Artillery and of the Madras Pioneers took part in this battle; the English troops present were the 19th Dragoons and the 74th and 78th regiments. On the colours of all the victory is commemorated as "Assaye," but the General Commanding dates his despatch from "Assye," which might very well have been adopted; the Proclamation of the Governor-General on the action employing the same word.

of the Presidency should be reduced; and what is proposed, therefore, is to reduce the strength of the Native army (rather more than 12,000 men) serving in the Presidency itself.

The principal reason given for this proposal is that the number of Native troops in the Madras army is, when added to our European force of about 5,000 men, more than sufficient for the purposes of this Presidency. To this it may be replied that there are, so far as this Presidency is concerned, two separate purposes for which an army is maintained. One is to secure the Government against danger from popular insurrection; the other, to protect the Presidency against attack from without. There is at present very little probability of popular insurrection, but there are parts of the Presidency where it is not altogether out of the question; and what is certain is, that the presence of the Army itself in its actual strength is one cause, the comparative importance of which it is difficult to estimate, of the existing tranquility. As regards attack from without, the land frontier is probably secured from attack in any dangerous quarter by troops outside the limits of the Presidency. The sea-frontier is not very accessible; but it will hardly be thought desirable that Madras should be left without any sufficient defence of its long seaboard in the event of war occurring with a European maritime power. Both as against popular disturbance and attack by sea it seems evident then, that Madras requires the maintenance within its limits of a certain military force. Whether for

these purposes an army of 5,000 British and 12,000 Natives is too large is a question upon which I hardly feel competent to offer an opinion. If we are to have an army at all for a Province containing a population of 30,000,000, such a force does not seem to be excessive.

Even supposing, however, it were admitted that a smaller force would suffice for the needs of Madras—there remains the argument which has often been used, and apparently with much reason, that the Madras army is peculiarly well fitted to act as a reserve on which to rely in case of emergency in Upper India, and has in fact been of the utmost use in that capacity; and if there be any soundness at all in this argument, it cannot be said that a force of 12,000 Native troops is larger than is required for the double purpose of aiding 5,000 British troops in defending the territory and Government of the Presidency, and furnishing a reserve to meet the contingency of Imperial peril.

It would appear then that the validity of the main argument for the reduction of the Madras army is open to grave question. On the other hand the objections to the proposal are very serious. To dismiss a Madras Sepoy is to turn him out of house and home: it is to impoverish and cast loose upon the world not only himself, but his family: it is a poor reward for his acknowledged services in the Mutiny, and (as hitherto effected) it interferes to a disastrous extent with prospects of promotion of which he certainly never dreamt of being deprived. This last objection might probably be met by

different executive arrangements; but those which remain are excessively strong. Accordingly, the large reductions since the Mutiny caused a disaffection which it is to be feared is still felt to some considerable extent in the Madras army, and any further reductions might probably affect the loyalty and efficiency of the remaining regiments in a very deplorable degree. It may be well questioned whether the financial economy\* to be effected by removing a few of the Madras Native Regiments from the strength of the Indian army would in any degree compensate for the effect produced upon the temper and conduct of the rest. To these considerations it may be added that the fact that the family of the Madras Sepoy forms, as it were, a part of his regiment affords a special security for his loyalty; and also that he has always shown a readiness to embark for service beyond sea which is not shared by the great majority of our Indian troops.

The Madras Native army must of course bear its share in any general reduction of force; but if it is to be exceptionally dealt with as too large for the purposes which it now serves,—the remedy seems to be to disband not Madras regiments (the youngest of which was raised in 1807), but some of the recently levied corps in the Bengal army, and to supply their places with Madras regiments in such a manner as to preserve the distinctive character of such regiments as parts of the Madras army.

\* I believe that the annual cost of a Native Regiment is estimated at about £16,000.

## THE PRINCE OF ARCOT.

Azím JÁH, the Prince of Arcot here mentioned, was the great-grandson of Muhammad Ali, styled Wálá-Jáh, the famous "Nabob of Arcot." After establishing themselves at Delhi, the Muhammadan invaders of India were not long in pushing their conquests further south. The generals and viceroys in the Dakhan soon made themselves independent, but towards the end of the seventeenth century the kingdoms they had established fell under the dominion of Aurangzeb. In the year 1712, five years after that Emperor's death, Asaf-Jáh, the first Nizám, shook off all imperial control, and commenced, in his turn, to appoint deputies to rule in the countries below the Gháts. The town of Arcot was occupied as the capital of this lower province. Asaf-Jáh died in 1748, having, four years previously, established Anwarud-din-Khán as Nabob of Arcot. A disputed succession to the throne of Asaf-Jáh brought the French on the scene. He left five sons; the eldest held the highest offices at Delhi; the second, Názir Jang, accordingly proclaimed himself Nizám, but was immediately opposed by his sister's son Muzaffar-Jang, who claimed under an alleged will executed by his grandfather. Muzaffar was joined by Chandá Sáhib, who, as the representative of a popular family, four of whom had held the office of Nabob from 1710 to 1744, conceived himself to have a better claim than Anwarud-din;

and by Dupleix, the Governor of the French Settlement at Pondicherry, who hoped to be rewarded for his services in a manner very beneficial to the French East India Company in India. The invasion of the province of Arcot was the first operation undertaken by Muzaffar. In the battle that ensued Anwarud-din was slain, his eldest son was taken prisoner, and Muhammad Ali, his second son, who from this time was acknowledged as the head of the family, fled to the fortified rock at Trichinopoly. Meanwhile Názir Jang raised an army and followed his nephew to the Carnatic. Deserted at a serious juncture by a large body of French troops, Muzaffar surrendered himself; but a conspiracy in his favour was hatched in the very council of his uncle, and from the dungeon he was raised to the throne once more. Dupleix installed him at Pondicherry, and was declared Vicegerent of all the countries south of the Kistna, while to the French East India Company considerable territory near Pondicherry was granted, together with the possession of Musulipatam and its dependencies. Muzaffar left for Hyderabad, Muhammad Ali still continuing besieged at Trichinopoly, which would have fallen but for the action taken by the English Company's servants, who, inspired by the genius of Clive, resolved to divert the forces of the besiegers and to strike a decisive blow in upholding English interests in the East, which were now imperilled by the vigorous proceedings of Dupleix. There was no war in Europe between the French and the English, but in India the war, begun with Clive's capture of Arcot, continued for three years; the French were reduced to great straits, and Dupleix being recalled, his successor concluded a peace with the Governor of Madras, by which Muhammad Ali was practically left as Nabob. The declaration of war between England and France in 1756 renewed hostilities in India. The French now lost all their settlements; they were, however, restored by the Treaty of

Paris, 1763, under the eleventh article of which Muhammad Ali was formally recognised as Nabob of Arcot.

The Nabob's first act was generously to reward the English Company of Madras by the grant (*Jágir*) of the neighbouring district of Chingleput; his palace at Arcot was deserted; he built himself another in the vicinity of Fort St. George, committing the military administration of his country to the English, who garrisoned his principal forts, and were henceforth his absolute masters. His revenue administration, which he reserved to himself, was based on an insatiable and neglectful system. He soon wanted money, and borrowed it at extravagant rates of interest, often from the Company's servants, to whom he assigned the rents of districts which were frequently assigned already to Hindu or Muhammadan money dealers. Formidable tumults between the agents of these rival creditors were inevitable; the cultivators were compelled to pay twice over, and the country was given up to rapine, desolation, and ruin. The fact of his title being acknowledged by the Sovereigns of England and France in a clause of the Treaty of Paris, proved a great embarrassment to the East India Company, who had raised him to the throne. Prompted by a cabal of the local English, some of them adventurers, others servants of the factory, he fancied himself a member of the political system of Europe; was encouraged in ambitious projects of extending his territory, of occupying Mysore after extirpating Hyder Ali, and even of raising himself to be Nizám of Hyderabad. Brilliant fortunes were rapidly created by him for those members of the Council at Madras—at that time there were eighteen Councillors—who were subservient to his interests; they enabled him to plunder the Rajah of Tanjore, and to bring into servitude many powerful chieftains further to the south. Nothing could exceed the profligate corruption of the earlier servants of the East



India Company. No test was required for admission to a "Writership," only a certificate that the nominee could read, write, and cipher, accompanied by a petition to the Directors that he was desirous of "serving their Honours." Many such candidates rose to be Governors of the various settlements in India; and in Madras itself, certainly the first example of spotless integrity amongst the holders of that office is not found till we come to Lord Macartney in 1781. Sixteen years earlier, or in 1765, the acceptance of presents by their servants had been prohibited by the Company; the other form of bribery—giving loans to native potentates—was not in terms proscribed; and it was as a debtor to the leading officials of Madras that the Nabob bought their services; he gave 35 per cent. interest for these loans, and in collusion with him, the creditor, if a powerful public servant, commonly entered the debt at three times its real figure, in the bond. In course of time, owing to the clamour of creditors whose accounts had long remained unsettled, Parliament directed the Company to inquire into the matter; but when a despatch ordering a local scrutiny was furnished by the Court of Directors for the approval of the Board of Control, that authority substituted another, allowing all the claims, amounting to four millions sterling, off-hand, and commanding the Nabob to allot £480,000 a year, out of his revenues, as a fund for their complete discharge.\* Simultaneously with this scandalous conclusion, loans to native princes were prohibited, and their recovery formally barred.

At the commencement of the second war with Hyder Ali (1782), and of the first war with Tippoo Sultan (1790),

\* At the expiration of half a century from this interference, claims originating between 1784 and 1801 were disposed of by Commissioners at Madras, appointed in 1805 with the sanction of Parliament, the result being the admission of £2,000,000 only out of £32,000,000.

which were undertaken for the safety of his dominions, Muhammad Ali was induced to transfer his revenues to the Company, retaining one-sixth for himself—on the first occasion for five years, and on the second till the end of the war. In 1795 he died, and was succeeded by Umdat-ul-Umará, his son, who died in 1801. This was the last reigning Nabob of Arcot. At the capture of Seringapatam (May, 1799), certain papers had been discovered in Tippoo's palace, which seemed to prove the Nabob's complicity in the designs of the Sultan of Mysore for the destruction of the British power in India; and it was resolved to take the earliest opportunity of annexing his country and reducing the Nabobs of Arcot to the condition of pensioners. Consequently, at his death, his son, Tájj-ul-Umará, was invited to accept that position; he declined, and his cousin, Azim-ud-daulah, proving more pliant, became the first titular Nabob. He died in 1819, and was succeeded by his eldest son, Azam Jah, who, after six years, was succeeded by his infant son, Ghulám Muhammad Ghaus; whose paternal uncle, Azím Jáh, officiated for seventeen years as his guardian. In 1855—Lord Harris being Governor of Madras, and Lord Dalhousie Governor-General of India—Ghulám Muhammad Ghaus died, *sine prole*. His uncle Azím Jáh expected to succeed him, but it was decided to abolish the dignity and withdraw the pension, Azím Jáh being offered a comparatively small allowance for his life. The argument was that the arrangement with the first titular Nabob was of a personal character only; that though his son and grandson had been permitted to succeed him, the East India Company was free to refuse any further concession; and that, looking to the wasteful, prodigal administration of his affairs by the late Nabob, it was expedient, in the public interests, to preclude any further pernicious examples of the kind. For many years Azím Jáh refused all terms, constantly bringing his claims

before Parliament, and content, meanwhile, to live in a state of abject destitution. From a political point of view it was highly desirable to bring him to a settlement. Better terms were finally offered and accepted, together with the title of "Prince of Arcot," the letters patent for which were handed to him by the Governor, Lord Napier, in public darbár, 1865. He died in 1874; his eldest son, Zâhir-ud-daulah, became the second, and his second son, Intizam-ul-mulk, is now the third Prince of Arcot. Enormous sums having been paid by the British Government to clear off the debts of the first Prince of Arcot and of his nephew, the last titular Nabob, a Bill was brought into the Governor-General's Council in the sense of Lord Hobart's Minute,—but going further by declaring the Prince and his sons who succeeded him in the title incapable of contracting any debt whatsoever,—and, after some opposition, was carried. A similar course had already been taken in the case of the ex-king of Oude and of the Nawáb Názim of Bengal.

MINUTE NO. V.—PRINCE OF ARCOT.

POLITICAL DEPARTMENT.

Under the arrangement agreed to as between the Government and Azeem Jah in 1866, the exemption from the jurisdiction of the Civil and Criminal Courts which had been secured to him by Act XXXVII. of 1858, was guaranteed to him during his life; the question as to the grant of such exemption to his successors being left "for future decision." And upon this question the age and physical condition of the Prince of Arcot render it necessary that this Government should now make up its mind, with a

view to legislative action on the subject being taken by the Government of India, if it is thought desirable to continue the privilege.

As regards the Criminal Courts there can be no serious question. Unless for the exceptional purpose of protecting the tenure of supreme power, there is no advantage in the immunity of any individual from criminal law which can counterbalance its obvious evils. As regards the Civil Courts, the case is different. Here also the great principle that all who are in the position of subjects should, both in the interest of the community and in their own, be equal before the law, is one which there must be strong grounds for setting aside. I think, however, that in the present instance, such grounds may be shown to exist. Considered in reference both to justice and to expediency, there is much to be said both for and against the whole course of the British Government in its treatment of the Nabob of the Carnatic and his descendants; and one objection to it is, that while placing the head of the Carnatic family in the position of a subject, privileges were given to him which, as a general rule, no subject ought to enjoy. But there is now no question of altering that policy; it must be accepted as a fact. And I apprehend that one principal object of that policy was to maintain the representative of the Carnatic family, so long as it should be represented, in a position of dignity and independence. Although, therefore, this question was left in 1858 for "future decision," it appears to me that it cannot consistently,

so far as civil jurisdiction is concerned, be answered in the negative. If the protection from civil process is withdrawn, it is certain that the representative of the fallen dynasty will from time to time be brought to ruin and disgrace. It is true that the absence of the protection ought to act in the way of moral training, but equally true that it will not. It is also true that the exemption which it is proposed to continue has not hitherto prevented the head of the family from insolvency, and that in insolvency there is disgrace. But, in the first place, the ignominy which attaches to such insolvency is very different (at least for the purposes of the present question) from that which attends arrest and imprisonment. And, in the second place, it is probable that if the Government changes its course of action in one important respect, the insolvency referred to will not recur. So long as it was understood that there was a considerable chance that the Government would pay, sooner or later, the Prince of Arcot's debts, more money was sure to be advanced to him than he was able to repay. But if the Government now determines once for all (as in my opinion it ought to determine), and gives full publicity to its determination, to concern itself no more with the debts of the Prince of Arcot and his family, the probability is that his credit, and with it his insolvency, will cease altogether. I think it is very important that this course should be taken; and if it is, I have every hope that the object of the privilege granted by the Government will be

completely, instead of being as now imperfectly attained.

Nor should we lose sight of the fact that the withdrawal, with its inevitable consequences, of a mark of consideration hitherto accorded to the head of a house revered by the whole Muhammadan community of Southern India, will be looked upon more or less as an insult to their race and their religion, and will thus tend to enhance the bitterness inseparable from their history in this country.

I would therefore without delay request the Government of India to pass the necessary Act securing to the four sons of the Prince of Arcot, as they successively assume the title, immunity from civil process. It might be well, I think, not to deal with the case of the grandsons until it arises, for it is of course possible that circumstances may occur before that time which may lead to a reconsideration of the course adopted.

(Signed) HOBART.

21st February, 1873.

## ARTS, TRADES, PROFESSIONS TAX.

MUNICIPAL administration in the larger towns of the Madras Presidency was first supplied by legislation in 1865; but for some years previously there were towns here and there in which a voluntary system was already in force, under the auspices of the district officers and the leading native residents. The rates, taxes, tolls and fees leviable, with the approval of Government in each case, by the Town Commissioners, consisted of (1) a rate on houses and lands according to the annual value thereof; (2) of a tax upon arts, professions, trades, and callings; (3) of taxes on carriages and horses; and (4) of a toll upon carriages, carts, and animals entering the municipal limits. Similar conditions prevail at the present time. At the date of Lord Hobart's Minute, those liable to taxation under the second head were graded in eight classes, the lowest paying one rupee, the highest fifty rupees. Few officers possessing actual experience of Indian municipalities will be found to endorse the objections entertained by Lord Hobart to this petty professional tax. It is very much the same thing as the license tax which must be taken out in England by barristers, solicitors, wine-merchants, etc., every year; except (and the exception is in favour of the Indian tax) that liberty is given to the Commissioners to grade the less prosperous men in a lower class. In one of his reports on Bengal municipal taxation, Mr. (now Sir George) Campbell, the Lieutenant-Governor, remarked that "the favourite (so far as any tax can be favourite) form of municipal

taxation" in that Province was this tax on persons according to their means.

MINUTE NO. VI.—ARTS, TRADES, PROFESSIONS TAX.

FINANCIAL DEPARTMENT.

I have read Mr. Sim's Minute with the careful attention which it deserves, and I retain the opinion that we have been right in taking measures for the abolition next year (so far as may be possible) of the tax on "Arts, Trades, and Professions."

2. Out of a total Municipal Revenue of about £100,000, the tax produces no more than £13,000; and it surely is not desirable, for the sake of so small an amount, to maintain an impost so exceptionally objectionable both in principle and in practice. The terms in which the tax is spoken of by the President of the municipality at Trichinopoly do not appear to be too strong. Whatever it may be in theory, it is in practice a tax involving all the evils of an income-tax, without the degree of mitigation implied in a regularly organised governmental machinery. The injustice, oppression, corruption, and vexation, incidental to the assessment of an income-tax in India, have been too strong for its supporters; and these are evils which must be aggravated tenfold under the administration of local functionaries.

3. Mr. Sim observes that in some of the Municipalities the tax constitutes a very large part of the receipts, and that in these it will be difficult to find a substitute. These can be but few in number, for the



tax certainly appears in the budgets of very many of the Municipalities, and its whole produce is only £13,000. But even in these exceptional cases I would (for my own part) abolish it next year. I do not see why, in consultation with the Commissioners, some equivalent tax should not be found which might properly be imposed. The tax, however, appears to me so objectionable that I think it would be better to forego some municipal measures which are in contemplation than to inflict it on the community. I know that in Bellary (which is one of the places so referred to by Mr. Sim) the tax is held in bitter detestation. It is true (as Mr. Sim observes) that all taxes are distasteful to taxpayers, and that to abolish every tax which is unpopular would be to empty the treasury. But it is also true that there are taxes which are so deservedly and preëminently unpopular that their abolition becomes a duty ; and these fortunately are not so numerous nor so difficult to replace that the treasury would suffer much by their extinction.

4. I am inclined to agree with Mr. Sim that we ought not to agree to the proposal from Trichinopoly that an octroi duty on "food grains" should be substituted for this tax. It would be better to increase the rate of some other tax, which we may leave to the Commissioners to select for our approval. If no suitable substitute can be found (which is not the least likely to be the case) there remains the alternative of diminished expenditure.

HOBART.

3rd April, 1873.

## PROVINCIAL ASSIGNMENTS.

THE Act of Parliament which is commonly called the East India Company's Charter of 1833, vested the "superintendence, direction and control of the whole Civil and Military Governments of all the territories and revenues in India in the Governor-General of India in Council." Before this Act there was no "Governor-General of India." Former Acts of Parliament made the Local Government of Bengal a Supreme Government in India; but in practice that supreme authority made little exercise of its powers of superintendence and control over the other Presidencies, and even that exercise of it was generally made when it was too late to be made with real effect, namely, *after* the subordinate Government had taken its course. On the passing of the Act of 1833, the Court of Directors urged the Government of India to consider to what extent, and in what particulars, the powers of Government might be best exercised by the local authorities; and to what extent, and in what particulars, they were likely to be best exercised when retained in their own hands. "It was impossible for the Legislature, and it is equally so for us in our instructions, to define the exact limits between a just control and a petty, vexatious, meddling interference." Finance is the backbone of all administration, and whatever latitude was permitted to local Governments at an earlier period in other respects, it was not till some twelve years after the Mutiny that the Supreme Government ceased to take upon itself the entire distribu-

tion of the funds needed for the public service throughout India.

The decentralisation of the financial system is fully described in Chap. IX. of the volume published in 1882 by Sir John Strachey and his brother, General Strachey, on the Finances and Public Works of that country. Mr. Laing sowed, Mr. Massey and General Strachey watered, and at last Lord Mayo gave the increase. From the commencement of the official year 1871-72, the financial control of gaols, police, education, registration, medical services, printing, roads, and civil buildings was transferred to the local Governments. In 1877 the system was extended by Sir John Strachey and Lord Lytton to all the remaining services, the revenues from certain items being at the same time surrendered, under certain conditions. Subsequently the policy was completed by a revision of the settlements with all the local Governments upon a uniform and comprehensive basis, as Lord Hobart desired to see it.

#### MINUTE NO. VII.—PROVINCIAL ASSIGNMENTS.

##### FINANCIAL DEPARTMENT.

The Resolution of December, 1870, by which a fixed sum was determined upon as that which should be allotted annually to each of the Local Governments, for the purpose of enabling them to meet the aggregate expenditure in certain specified branches of provincial administration, has, there can be no doubt, been productive of very considerable advantage to the public service. By giving to Local Governments a direct interest in restraining, instead of a direct interest in increasing, expenditure, by entrusting the application of public money in certain departments to

those best able to appreciate their relative ~~claims~~<sup>claims</sup>, and by putting an end, so far as those departments are concerned, to the vexation and delay consequent on the annual financial controversy between the Imperial and Local Governments, it has conduced in a material degree to economy, efficiency, and harmony of administration.

2. As regards the financial effect of the new measure, the accompanying statement\* shows the expenditure, provincial and local, in this Presidency, on each of the services to which the Resolution applied in the year before it was acted upon and in the years which have followed its application. It will be seen that in the year (1870-71) which preceded the fixed assignment, the provincial expenditure on the services which it affected was £979,472, while the local expenditure on the same objects was £237,552. In the first year (1871-72) of the fixed assignment the provincial expenditure on these objects was £770,675 (which was nearly the amount of the provincial grant), and the local expenditure upon them £282,862; and these amounts increased (according to the regular estimate for 1872-73) to £860,934 and £380,614, respectively. It thus appears that in the year following the adoption of the new arrangement the local expenditure on the services to which it applied increased by nearly £150,000. For the year 1872-73 it still further increased to an amount which may be approximately stated at £400,000. This addition to the local imposts of the Presidency was effected under

\* Omitted.

the Madras Local Funds Act and the Madras Municipal Act of 1871, and would, no doubt, in great part have taken place irrespectively of the new arrangement in regard to provincial grants; but in part also it must be considered to have been a consequence of that arrangement. This Government is, however, fully aware of the importance of restraining the progress of local taxation, and of adopting such measures as may appear practicable and desirable to alleviate its pressure upon the people.

3. Great as have been the advantages resulting from the Resolution, there are nevertheless some important respects in which it may fairly be characterised (1) as inconsistent and (2) as defective.

4. In the first place, from the objects of expenditure to which the fixed assignment applies, some are excluded which are more peculiarly "Provincial" than those which it includes; as, for instance, the expenditure in this Presidency on public parks and gardens, and the contribution by the Government to certain charitable institutions.

5. In the next place, it is not easy to see on what ground the application of the principle has been confined to the particular departments specified in the Resolution, or why it should not be extended, with proportionately increased advantage, to every department which is administered exclusively by the Local Governments. The same grounds which rendered it expedient that the Local Governments should be entrusted with the distribution of public money for purposes of Education, Police, and Civil Buildings

appear to apply with equal force to the expenditure on the administration of justice, on the collection of the revenue, on forests, or for ecclesiastical purposes. The collection of the land revenue in this Presidency may be especially mentioned as depending upon conditions totally different from those which attend it in any other part of India, and as a service in respect of which it is therefore desirable that as much freedom as possible should be given to the Provincial Government.

6. It would appear that the scope of the Resolution might with great advantage be extended so as to include all the departments specified in the Civil Budget, except those which are administered by the Central Government, or which are in their nature of an imperial rather than a local character, and among which the Customs, Opium, and Salt Departments would be included. If this proposal were adopted, the charges transferred to the Local Governments in addition to those already entrusted to them, would be as follows :—

Land Revenue.	Minor Departments.
Forest.	Law and Justice.
Excise.	Marine.
Assessed Taxes.	Ecclesiastical.
Stamps.	Medical.
Administration.	Miscellaneous.

7. It might probably be expedient that the Central Government should at the same time retain power to fix a maximum for the higher official salaries.

8. The amount of the fixed assignment which would be made to the Local Governments as a provision for the additional charges so transferred to them would be determined as before by the present expenditure on the departments concerned ; but that amount could not be reduced, as in the case of the fixed assignments already made. In that case, the deficiency was supplied by local taxation ; but no such resource will be available as regards the branches of expenditure which would thus be included. And thus the objection (already noticed) to the principle, as applied in its present limited degree, that it has caused an addition to local burdens, could not be urged against its extension as now proposed.

9. Supposing that the measure were developed as here suggested, there would remain the important consideration that, while giving to Local Governments a direct interest in the economical and effective application of public money, it leaves them without any such interest in the improvement of the revenue. In this respect, indeed, the case is even worse than before, since the present system of fixed assignments implies a degree of probability, which did not before exist, that whatever increase may take place in provincial revenues, no corresponding addition will be made to imperial grants.

10. To remedy this defect the following methods have been proposed, viz. :—

1. That over and above the fixed annual grant, each province should receive a certain portion (say half or one-fourth) of any increase

which might hereafter take place in its contributions to the imperial revenue.

2. That each province should receive a certain percentage on the revenue which it collects, so fixed as to provide for the charges transferred to it, taking them at their present amount.
3. That all the receipts and charges, except those which may be classed as "Imperial," comprised in the Civil Budget of each Provincial Government should be made over to that Government, and that a fixed annual contribution, equal to the present surplus (as shown in the Budget) of such receipts over charges, should be made by the Local Government to the Imperial Treasury.

11. These proposals appear to satisfy only in a very partial degree the requirements of the case. By the first and second a remedy is indeed provided for the evil under consideration (the absence of interest on the part of Local Governments in the increase of the revenue), but the remedy is very incomplete; and the third is open to the serious objection that it would deprive the Central Government of all direct financial advantage from the improvement of the provincial revenues.

12. The arrangement which, for simplicity, for completeness, and for adaptation in other respects to the object in view, would appear to be most desirable, is that the receipts as well as the charges in all the



departments at paragraph 6 of this Minute should be transferred to the Local Governments, and that each of those Governments should contribute annually to the Imperial Treasury a certain fixed percentage upon the revenues so made over to it, the amount of such percentage being determined by the existing surplus (as appearing in the Budget) upon the receipts and charges so transferred. It would at the same time be distinctly understood that full power was reserved by the Central Government to deal as it pleased with the proceeds of provincial taxation, and, therefore, to increase or diminish, should any emergency or change of circumstances require it (such, for instance, as a political crisis, or a failure of crops in a particular province so serious as to cripple its revenue), the percentages of contribution so assigned.

13. Such an arrangement could not fail to be followed by beneficial results of the highest importance to the country. The anomaly which has existed so long and with such serious injury to the finances of the Empire—of Governments charged with the collection of taxes from which they derive no direct advantage, and, regardless of economical considerations, vying with each other in the annual attempt to obtain as large a share as possible from the general fund—would be at an end. Each Administration would have a direct and active interest in the protection of its revenue and the development of its commercial and industrial resources, and would at the same time be able to avail itself of an improved financial condition in the manner best calculated both to benefit

the Imperial Exchequer and to promote the welfare of the population entrusted to its care. On the other hand, the Supreme Government, while retaining control over the revenues, would benefit, to an extent which it is not easy to limit, directly by the increased financial prosperity of every district under its charge, and indirectly by the improved administration which in all parts of the empire would be a necessary consequence of the change.

14. It may be objected to this proposal that for a system under which the Central Government is the recipient and dispenser of the proceeds of taxation throughout the empire, retaining for imperial purposes as much as circumstances may appear to require, and allotting to each province that which may be considered a suitable provision, with reference not only to its individual requirements, but to the part which it plays in the general scheme of imperial policy, there would be substituted a system which would assign to Local Governments a financial position approaching to that of independent but associated communities—a system, in short, of federal for one of imperial finance ; but this objection seems to be rather formal than substantial. In point of fact, a certain aggregate sum which does not materially vary from year to year is now made over to the different provinces ; and the surplus is retained by the Government of India and applied to imperial needs. All that would be necessary, in order to deprive the objection of force, is that the power of the Supreme Government to modify the arrangement, should its modifica-

tion be deemed advisable with reference to special circumstances or to general requirements, should be distinct and unquestioned.

15. If, however, from regard to general considerations of this nature, it should be determined not to adopt the larger and more effectual measure here proposed, it would appear that of the three expedients which have been suggested and which are above indicated, the first, which would make over to the Local Governments a part (one-half or one-fourth) of any annual increment on their revenues (except in those departments which may be classed as Imperial), is that which might most advantageously be adopted.

16. I should propose to reply to the Government of India in the sense of this Minute.

HOBART.

*6th June, 1873.*

## FEMALE NORMAL SCHOOLS.

It is still the day of small things, but female education in the Presidency of Madras ranks highest in the provinces of India. Sir C. Wood's despatch of 1854, besides all that it initiated for education in general throughout British India, particularly directed the local Governments to foster the education of native girls. At that time, owing chiefly to the benevolent efforts of Christian missionaries, there already subsisted 256 schools, numbering some 8,000 girls. At the first regular Census of 1870-71, this number had risen to 10,000; and in the same year 141 candidates appeared for examination as school mistresses, of whom 41 passed.

Ten years later, we find, from the Census returns of 1881, no less than 557 girls' schools, with 35,000 pupils, those coming from aided and unaided institutions far outnumbering those from Government schools. A system of female instruction is now fully organised, from Normal Schools for teachers down to primary schools for girls. Besides the Government Normal Schools, there are four others doing excellent work.

In the present year—so rapid is the improvement maintained—there are no less than 60,000 girls receiving instruction in schools in the Madras Presidency. The Census further tabulates 95,000 girls not under such instruction, but able to read and write. In the first case, the proportion is 1 girl

to 403 of the female population, against 1 in 976 for Bengal, and 1 in 431 for Bombay; in the second, 1 to 166, against 1 in 568 for Bengal, and 1 in 244 for Bombay. Girls in India are generally married at twelve years of age; many continue their education, notwithstanding, under teachers of the Christian Zenana Missions, or of Zenana agencies on a secular basis, conducted by native gentlemen and English ladies.

MINUTE NO. VIII.—FEMALE NORMAL SCHOOLS.

EDUCATIONAL DEPARTMENT.

It has now become evident, after a fair trial of the experiment, that a Normal School for the training of female teachers cannot be maintained by this Government on the condition which was prescribed by the Government of India. That condition was, not only some considerable pecuniary support, but some serious initiative action on the part of the Native community. And as the Native community would only subscribe and act provided that the training was confined to "Caste Hindoos," and as experience has shown that suitable pupils answering to this description are (owing no doubt to the native prejudice against the profession of teacher) not forthcoming, the attempt has failed.

2. The question then is, whether this Government should now give effect to its original intention of establishing a Normal School for females, without limit as to race or creed. Under the new system of Provincial allotments, the decision of this question rests with ourselves.

3. I understand from Mr. Powell's letter that Normal Schools for females have been and are being established by Missionary bodies; and I presume that if we had found this to be the case as regards the education of males, we should have abstained from establishing Normal Schools, the general principle having been (as I think wisely) adopted that it was better to apply such funds as might be at the disposal of Government for the purposes of education in assisting voluntary effort than in the creation of Government Schools.

4. The objection of the Government of India to the proposal now before us (excluding as that proposal does the condition of native coöperation), and to which is due the partial and restricted character of the experiment hitherto tried, must also be borne in mind. That objection was to direct action by the State in the matter of female education for India, and was based apparently upon the ground that such education (as distinct from that of males) conducted by the Government would, owing to its closer and more intimate connection with the social and religious life of the country, be looked upon with peculiar suspicion, and even with hostility, by the Native community.

5. Notwithstanding these considerations, I am inclined to take the course proposed by Mr. Sim, and to advocate the establishment by Government of a Normal School for the instruction of females in the art of teaching, to which all suitable young persons should be admitted as pupils, without any religious

or other distinction. Provision for the education of women in this country is unquestionably a subject for consideration even more important than provision for the education of men ; first, because if it existed in any satisfactory degree it would probably have a still more beneficial effect upon the social and moral condition of the people ; and, secondly, because at present it can scarcely be said to exist at all.

6. As regards the details of organisation and system of tuition in the proposed school, I should be disposed to agree for the most part in Mr. Sim's suggestions ; but the Director of Public Instruction should be requested to state fully his views upon this branch of the subject. I should be prepared to incur some not inconsiderable expense, and to take such measures as may appear best calculated to produce a certain number of thoroughly efficient teachers, for whom I presume that there would be no fear of insufficient employment.

HOBART.

*7th August, 1873.*

## EDUCATIONAL DEPARTMENT.

THE School of Arts at Madras is the oldest of the kind in India. It was founded in 1850 by Dr. Alexander Hunter, of the Madras Army, and maintained at his own charge till 1856, when the Educational Department assumed its direction. It has been successful in developing the industrial capacities of the people ; it secured a gold medal for contributions to the Industrial Exhibition of 1873, and two other medals for casts and metal work sent to the Vienna Exhibition of the same year ; but its effect on native art is more doubtful. In conformity with the recommendations made by the Committee appointed to report on the question of reorganising the school, in 1873, the institution was placed on a better footing, and the Secretary of State was requested to send out an instructor from the South Kensington Museum for the artistic, and a trained Staffordshire potter for the industrial, department. In Lord Hobart's time the school numbered 56 pupils ; it now trains 147, of both sexes.

### MINUTE NO. IX.—EDUCATIONAL DEPARTMENT.

#### *Report of the Committee on the School of Arts, Madras.*

I cannot think that, considering the restricted amount of the funds at our disposal for educational purposes, we should be justified in expending some



£2,000 or £3,000 a year upon an institution of this nature, even if it had accomplished its purposes more successfully than appears from the report now before us. Education is generally recognised as an object properly excepted from the well-established and most salutary principle that Government ought not to do for the people that which they would be able, if they were willing, to do for themselves. But, in admitting education as an exception to this principle, it is impossible, unless for those who hold doctrines of a more or less communistic nature, to consider the education of the people to mean their instruction in the industrial, or even in the ornamental, arts. The only legitimate object of education, administered by the State at the cost of the community at large, is the cultivation and discipline of the mind. The justification for this departure from principle is the great and exceptional injury, both to the welfare of the individual and to the security of the State, resulting from general ignorance. But this justification ceases when the people are taxed, not for the purpose of removing ignorance and consequent immorality, but for the purpose of enabling the State to provide instruction in arts and manufactures which they are able, and which it is their business, to learn for themselves. A Government which undertakes to teach how to make paper, glass, and pottery, ought, in common consistency, to teach shoe-making, cutlery, tailoring, and all the other means of obtaining a livelihood by industrial occupation; and to do so is to infringe a great and valuable

precept of political science without any degree of compensating advantage. Ornamental art has, indeed, been considered, even in more advanced countries, as a proper subject for artificial stimulus at the cost of the State, the only conceivable reason for which seems to be that such instruction is held to partake of the character of that mental training and development which it is admitted that the State may be allowed to provide. I do not think that this reason is valid, but it appears to me to be so far deserving of consideration that (of the two) I should myself prefer a State-supported school for drawing and sculpture to one in which, either exclusively or conjointly, industrial arts were taught. I have considerable doubt, however, whether a Government school of ornamental art, supposing it to be fairly successful, would be of any great advantage to the ornamental art of this Presidency. I have seen examples of native art, unprompted by any kind of educational institution, but of rare and exquisite beauty; and for my own part I should fear that upon the taste of those by whom such articles are produced the effect of a "School of Art," where the teaching must be more or less European, might, while it could not be beneficial (for the taste is perfect of its kind), be very much the reverse.

2. A School of Art, then, supported by public money—and still more a School of Art and Industry so supported—is (as appears to me) objectionable in principle. I should nevertheless have hesitated to recommend the closing of our school if, considered

with reference to its declared objects, it was doing satisfactory work. It is one thing to create, and another to abolish institutions of this nature, supposing them to succeed. But it is evident, from the report of the Committee, that this school is doing no work proportionate to our expenditure upon it, or which can justify that expenditure at a time when the Government has publicly recognised the expediency of applying to elementary education every shilling that can properly be spared from the funds now given to the higher; and, on the whole, I think that we ought to take advantage of Dr. Hunter's retirement to discontinue the Government grant for this school. It must be remembered that the proposal of the Committee is in effect either to abolish the school or to increase the expenditure upon it, and that their proposal is based on anticipations of future improvement which are extremely vague.

HOBART.

13th August, 1873.

MINUTE NO. X.

*Report of the Committee on the School of Arts, Madras.*

I have read with the most careful attention Mr. Robinson's remarks, and Mr. Sim's further note, on the question under consideration respecting the School of Art, and I regret that I am obliged to adhere to the opinion expressed in my Minute of 13th August, 1873, upon this subject. I admit that

the question, considered as one of political principle, presents great difficulty, and that it has been so far decided against me as that in several European countries public instruction in ornamental and industrial art has been practically recognised as within the province of the State. But I nevertheless believe that the best authorities on such subjects are opposed to any such recognition, and indeed (if I am wrong) it is impossible to see where the line is to be drawn, or why every existing art and manufacture, of whatever kind, should not be taught by the Government at the public expense; and we thus arrive, by inevitable induction, at the doctrines of the French Communists and "*Ateliers Nationaux*." I cannot accept the proposition that these doctrines are properly applicable to India, though they are not so to more advanced countries. It must be remembered that, while the people of India are more ignorant, they are also more unprotected, than the people of England; and that they have no voice to remonstrate against a taxation which may be indefinitely increased if once it is admitted that they are to be drilled, at their own expense, into proficiency in any art or science in which any more civilised country may chance to excel.

2. But (as I have already said) I should, notwithstanding these considerations, have abstained from suggesting that our School of Art should no longer be maintained, were it not for the positive opinion of the Committee expressly appointed by the Government to inquire into the subject, that the

work done by the school is by no means proportionate to the expense which it entails. The Committee propose as a remedy a large increase of expenditure; but I submit that no one who reads their report can think such an addition desirable. There seems no reason to suppose that any substantial or palpable benefit has resulted from the school; and, indeed, to undertake the teaching of art to a people whose art in many respects surpasses and is inimitable by any artistic efforts of our own or any other European country seems somewhat unwise.

HOBART.

*31st January, 1874.*

## PRISON DISCIPLINE.

SOME instances of excessive flogging in the Madras jails having come to the notice of the Government, the following Minute was written by Lord Hobart. Corporal punishment was deliberately abolished by the Indian Penal Code, which took effect in 1860. In 1864 it was found necessary to authorise its infliction in certain cases: 1st, *in lieu* of imprisonment; 2nd, in addition thereto, on a second conviction. It was provided that, if the instrument used was a cat-o'-nine-tails, 150 lashes should be the maximum; if a ratan, 30 strokes, one stroke with the ratan being counted as equal in severity to five with the cat. The Madras Government directed the adoption of the last-named instrument, and enacted that 150 lashes should be the maximum awardable by superintendents of jails for offences committed against prison discipline. On the last revision of the Code of Criminal Procedure (1882), the same Government proposed that corporal punishment should be limited to 60 lashes with the cat in all cases; they wished the use of the ratan to be prohibited, pointing out that, as far back as 1828, it was discovered that it was very unequal in its effects, often occasioning serious injury far beyond the intention of the law; further that, applied as the ratan must be, not to the shoulders or back, but to the *nates*, its use is disgusting and indecent in the case of all but very juvenile offenders. These views, however, did not prevail; corporal punishment

throughout British India must now in all cases be inflicted with a ratan. Meanwhile, flogging in Madras jails has been entirely moderated, in accordance with instructions based on this Minute.

MINUTE NO. XI.—PRISON DISCIPLINE.

JUDICIAL DEPARTMENT.

The Inspector-General of Jails should submit, as he proposes, and as soon as possible, his draft of alterations to be made in the Act, and of the new Rules.

2. This done, and the determination of the Government not to allow excessive flogging in our jails being impressed (through the Inspector-General) upon all the Superintendents, it may fairly be hoped that the scandal will disappear.

3. It may perhaps (for this does not seem to be at all certain) be impossible to get as much work out of the prisoners under the new and less inhuman system now to be established; but this will be a less evil than the conversion of our jails into mere places of corporeal torture. The extreme reluctance of Native prisoners to work, combined with the introduction of profitable manufactures, has evidently been the cause of the late increase of flogging; but it is better that manufactures should be less profitable, and even that the full rigour of their sentences should not be exacted from criminals, than that our prisons should present scenes such as those which have of late been customary at the Penitentiary of Madras and at Coimbatore.

4. I am disinclined to adopt a system of partici-

pation in profits, or indeed any system which would tend to make a jail a place of reward rather than punishment. It must not be forgotten that the object of imprisonment is not profit to the State or the moral improvement of the prisoner, but deterrence from crime.

HOBART.

*6th October, 1873.*



## SURVEY AND SETTLEMENT.

WITH the exception of a few seaports and villages near the coast, acquired by the East India Company at earlier dates, the whole of the Madras Presidency came under direct British administration within the forty years terminating in 1801; part was obtained from the Nizam, part conquered from the Sultan of Mysore, and the rest ceded by the Nabobs of Arcot. Many large tracts of country were in the possession of Zamindars and Poligars—chieftains of different degrees of power and consequence—who paid a light quit-rent to the sovereign, in consideration of their rendering military and police services, and were despotic within their own limits; in all other cases the interest in the soil was generally found to be divided between the Government and the cultivator. The share of the former in the crops from irrigated lands was received in kind, at rates varying from 40 to 60 per cent. of the gross produce. That of dry grain culture was considerably less, and was mostly received in money, at so much for a fixed measure of land, or so much for the same measure but varying with the produce. The *reddendum* was, however, by no means confined to the established rent, for, besides the transit duties and taxes personal and professional, the Ryot was often subject to extraordinary demands and additional assessments, as well as to the private exactions of the officers of Government; so that what was left to him was

little more than what he was enabled to secure by evasion and concealment.

From the impracticability of at once entering upon a detailed system of management, the Company's servants, adopting the principle which generally obtained under the Muhammadan Governments, at first farmed out extensive tracts, on shorter or longer leases, to individuals, to whom it was left, as it was to the Zamindars in their Zamindaries, to settle with the Ryots as they pleased. After this the head of each village was made the renter of his village, the settlements being made on an estimate of the produce, converted into a money rent. The revenue was uniformly defrauded and the Ryots continuously oppressed by these farmers and renters; and at last, when the affairs of the country and the various abuses which had grown up under the previous administration were better understood, the "Ryotwar settlement" was introduced, under which the officers of the Government entered into direct engagements with every cultivator for the revenue he was to pay on account of the land he occupied. In order to secure all the benefits to be derived from this system, the lands were measured and valued in almost every district, and the share of the produce to which, according to the usage of the country, the Government was entitled, was converted into a fixed money rent, regulated by the price of grain in the market for a certain number of years. The proportion which this rent, in most of the districts, bore to the means of the cultivator, was known to be high, and was considered to constitute rather the *maximum* of assessment than the absolute demand. But, in spite of the relief constantly afforded in recognition of this principle, a time came when, owing to a continual and serious fall in the prices of all produce—between the years 1835 to 1850—the agricultural interest of the Presidency became alarmingly depressed. Much land fell out of cultivation, and considerable difficulty was ex-

perienced in realising the dues of Government. Eventually it was decided to revise the assessment. A fresh survey was also taken in hand; the earlier measurements had been carried out by unskilled agency, and in many respects in a very defective manner. There were no maps, either field or village, and no permanent boundaries, and often the records of the work had been imperfectly preserved.

Both Departments commenced operations in 1857, and it was proposed to complete both survey and settlement in fourteen years, at an annual outlay of about £55,000. The area to be surveyed (always on an accurate English method) was assumed at 60,000 square miles, or 38 million acres. Twelve years later it was deemed advisable to make the survey topographically complete, and all portions of a district not required to be surveyed for revenue purposes, such as Zamindaris, and such Government lands as are never likely to be cultivated, were taken in hand also, but on a smaller scale. The excess of assessable area brought to light ranges from 2 to 23 per cent., the average being 12 per cent. The village maps are on the scale of 16 inches to the mile; the work is connected throughout with the great trigonometrical survey of India. The total area of the Presidency is 141,028 square miles; the cadastral survey at the end of 1883-4 had covered 52,315 square miles, the topographical survey 48,316; the four parties engaged turn out 1,600 square miles of the first and 3,000 of the second per annum, at an expenditure of five lacs of rupees.

The benefits derived from an accurate survey, both to the people and the officers of Government, are innumerable, and were not undervalued by Lord Hobart; but he was impatient of the slow and expensive rate at which the work of the Settlement Department was proceeding, and persuaded himself that it ought to be curtailed, and committed to the Collectors of districts, whose duty it would be to

consolidate the rates, reducing those unduly high, in lieu of carrying out the elaborate processes of inquiry and calculation pursued by the Settlement officers. Expense and trouble would no doubt have been saved by the adoption of his proposal, but it may be doubted whether the cost of the thorough scrutiny of the Department into the fair liabilities of the different classes of land in a district is more than commensurate with the importance of the object sought to be attained by it. The progress of the Department has certainly been slow; but it never was in great favour, has been frequently threatened with dissolution, and, for the first eleven years of its existence, the average establishment allowed was two-and-a-half "parties" only, instead of four, as originally promised. But the principal cause of delay has arisen from the inability of the Survey Department to provide accurate areas with sufficient rapidity. If the Survey had been set to work five years previous to the formation of the Settlement Department, the work of settlement might certainly have been performed very much more rapidly and cheaply. It costs about three lacs a year; eleven districts have been finished, four are in hand, and the net increase of the land revenue in settled districts is now Rupees 1,640,000 on the revenue of the year preceding settlement. This represents a return of  $21\frac{1}{2}$  per cent. on the outlay; but something of this must be credited to the Survey Department for its discovery of previous short measurements; something also to extended cultivation. The fact that remissions of revenue in ordinary seasons are now reduced to a minimum indicates the general fairness of the settlement, which is further evidenced by the increase in the cultivated area being more rapid in districts where the revision has taken place than in others. The settlement, once approved by Government, is to last for thirty years; the money rates are sufficiently moderate to allow for all ordinary fluctuations in the price of grain, for the cost of cultivation, and for the

maintenance of the Ryot and his family : and when the net produce of each field is thus worked out, the share of it to be taken by Government is limited to one-half—a figure not to be worked out pedantically, or with any pretence to mathematical accuracy, but to be kept in view by every settlement officer in making his assessments. The average rate per acre is :—

			R.	A.	P.
On land in cultivation	...	...	1	14	0
On culturable lands	...	...	1	1	5
On total area of settlement	...	...	1	7	9

#### MINUTE NO. XII.—SURVEY AND SETTLEMENT.

Proceedings of the Board of Revenue, dated 2nd September, 1873.

MINUTE *by the* PRESIDENT, *dated 28th October, 1873.*

The question whether some action cannot and ought not to be taken by this Government, with a view to limit the expense and probable duration of the survey and settlement operations as now conducted in this Presidency, is serious and urgent. Those operations were begun in the year 1857, and it was at that time estimated that they would be completed in fifteen years and at a cost of £765,000. They have already been in progress for no less than sixteen years, and during this time of the whole area to be surveyed and settled for revenue purposes rather more than three-fifths have been surveyed, and little more than one-half settled ; while the cost of the two processes combined has been nearly one million sterling. The area (two-fifths of the whole)

which remains to be surveyed, and the area (half of the whole) which remains to be settled will probably cost about £500,000 and £400,000 respectively—in all about £900,000; and the two operations cannot be expected to be completed in less than ten years from the present time.

2. But, besides the survey and settlement for revenue purposes, a “topographical survey proper,” *i.e.*, a topographical survey applied to land which is not the subject of survey and settlement for revenue purposes, is conducted by the Survey Department. This has been in progress for four years, and of the whole area to which it has been or is to be applied (about 80,000 square miles) not more than one-eighth has yet been completed, at a cost of £28,000; and the remainder will probably take about twenty-two years to complete, and its probable cost will be about £140,000.

3. It thus appears that the time occupied in the survey and settlement of this Presidency, when completed, will have been twenty-six years; and the expenditure upon them during that time more than two millions sterling.

4. It seems sufficiently certain that if such an expenditure of time and money had been foreseen, a scheme of so costly and elaborate a character would never have been proposed; and it as certainly appears that no pains ought now to be spared to ascertain whether the burden thus imposed upon the country cannot be alleviated, without any equivalent disadvantage to the public interests.

5. The question, then, is whether, without risk of sacrificing in any important degree the objects with which the survey and settlement were undertaken, some modification cannot be made in existing arrangements which would admit of their attainment at a more reasonable cost.

6. What, then, were those objects? They are very clearly explained in the Proceedings of this Government of the 14th August, 1855, and which were confirmed by the Court of Directors on the 7th December, 1856. It is evident that the authors of the Madras Survey and Settlement had two principal objects in view, viz. :

- (1) To obviate the hardship to the cultivators and the loss to the revenue resulting, or expected to result from the great reduction which had then taken place in the prices of produce ; and,
- (2) To remedy the evils consequent on the complete absence of certainty as to the amount of payment to the revenue for which any given occupier of land was liable. It was remarked that in all parts of British India, except Madras, some similar survey and settlement had been made or begun ; that here,—and here only,—there was no definite demand by the Government upon the occupier ; that the occupier and the revenue authorities were dependent upon the village-officer, who usually imposed upon both ; that corruption and favouritism were the natural results ; that

“the poor were made to suffer for the rich ;” and that, as regards both rich and poor, “their property was uncertain, and they were placed in dependence upon grasping and unscrupulous men.” It was represented that after a careful survey and settlement “each man’s payment would be certain,” and “a larger revenue obtained with less inconvenience to the people.”

7. The first of these objects, since the rise of prices which has occurred of late years, has ceased to exist. The second retains its importance ; and the problem is to find some means of effecting it in the future at a less serious sacrifice to the taxpayer.

8. For this purpose it is, in the first place, necessary to understand clearly the precise nature of the evil to be cured. It is evident that this evil was and is (shortly stated) uncertainty of demand. But it will be found on examination that this uncertainty of demand was and still is occasioned not in any important degree by the absence of “classification” or “valuation” of soils, but by the simple fact that it was (and is in the unsettled districts) impossible to assign with confidence to any given cultivator his proper amount of assessment, because it was impossible to ascertain with any certainty of what particular plot of land he was really the occupier. The land was divided, in the Village Register, into certain portions, and those portions were there assigned to specified occupiers ; but, on the one hand, these portions of land were defined only upon paper ; and, on the other, the



Collector had no means of accurately ascertaining to whom they belonged. In other words, that which was, and is, really required is (1) accurate delimitation, and (2) accurate appropriation, of fields.

9. It appears to me that all the information before us (and especially the statements of Collectors as to the particular advantages which they have derived from the survey and settlement) points to the same conclusion, viz., that the proper object of survey and settlement—the only object of it for which it has been worth while to incur any serious expense—is to put an end to an uncertainty of demand consequent mainly on the want of an accurate definition and appropriation of cultivated and cultivable lands.

10. It would of course be desirable, if it were possible at an unimportant cost and without any serious annoyance to the ryots, to readjust the assessment of land throughout the country in such a manner that each cultivator, as compared with others, should pay an amount approximately proportionate to the value of his land. But this is not an object for which it is worth while to incur any serious expense. The original assessments throughout the Presidency were based on no attempt at “classification,” and there was, therefore, much in them that was in this sense “inequitable”; but they were fixed on some kind of understanding that no addition—at least no virtual addition—should ever be made to them; and this implied understanding was applicable equally to lands of which an accurate valuation might show that the assessment was comparatively favourable. More-

over, in regard to lands which are thus under-assessed in proportion to the value of their soils, it is to be remembered that a certain degree of prescriptive right has been long ago established; that they have changed hands repeatedly since their original assessment; and that, therefore, not only prescriptive rights, but vested interests are threatened when it is proposed, by "classifying" their soils, to increase the amount of their contribution to the State.

11. But it may be said that, besides a more equitable assessment, one of the objects of the survey and settlement was or should have been that, in the interest of the revenue, the cultivator should be made to pay more highly if his land, either from increased price of produce or from its own greater productiveness, had increased in value. This, however, considering the principles which have been recently laid down by the Secretary of State (and which appear to be on the whole sound and salutary), can hardly be now considered a proper object for the expenditure of public money. It seems now to be held, and I think rightly, that years of high prices, which may be followed by years of low ones, are no justification for increasing the demand upon the land; and that the whole profit of improved cultivation should be left to the ryot, the State claiming no addition to its land-revenue beyond that which may arise from works of irrigation or from the cultivation of hitherto uncultivated land.

12. These considerations are, I think, sufficient to show that the object—the only object which can justify

any such scale of expenditure as that hitherto adopted—to be kept in view in the survey and settlement of this Presidency is such a delimitation of fields and such a careful assignment of them in each case to the real occupier as may be essential to the full and easy collection of the revenue on the one hand and to the welfare and independence of the ryot on the other.

13. If I am right in this conclusion, the answer to the question now before us—the question in what manner the tax-payer can best be relieved of some considerable part of the expense now to be incurred on account of these departments—is sufficiently easy. This can only be done in one of two ways, viz. (1) by adopting the system of “tract survey,” or, in other words, by relieving the Survey Department of all detailed operations, its place in this respect being supplied, in a very imperfect manner and with no considerable increase of expense, by the Settlement Department; or (2) that the Settlement Department should be altogether dispensed with, and that any work now entrusted to it which may appear to be necessary should be performed by the Collectors of districts.

14. By the first of these proposals it appears that a saving of about £270,000 would be effected; by the second, a saving of about £200,000. Consistently with the view of the case which has been expressed in this Minute it will be seen that there can be no question as between these alternatives. The really important work of survey and settlement—the separate

measurement, demarcation, and assignment of fields—is that which is now done (in the case of every field of more than two acres) by the Survey Department. The work which is done chiefly by the Settlement Department, viz., (1) the delimitation and appropriation of “interstitial” fields (that is, of fields which are of less than two acres, and, therefore, not dealt with by the Survey Department), and (2) the “classification” of soils, the elaborate calculations based upon it, the investigation of averages, and the final adjustment of the payments on each occupancy, is work which (as I have attempted to show) is in great part comparatively useless for the purpose in view, and of which that which remains and is really useful could easily be done by Collectors at no appreciable cost.

15. It appears, then, that the alternative which should be adopted is the second of the two above mentioned. The Settlement Department would cease to exist; and all that the Collector would be required to do (the rest being done for him by the Survey Department) would be to define accurately the amount of the revenue demand to be made upon each cultivator and upon each plot of uncultivated land, which he would ascertain from the records of the original settlement. Classification of soils, and readjustment of rates either absolutely or relatively to the value of the land, are (as I have endeavoured to explain) processes entirely unnecessary when the proper object of the survey and settlement is held in view.\*

\* It may be remarked that in the actual state of the case classification seems to be attended by no result at all, except

16. It will be remembered that the very change here proposed was decided upon by the Government of Madras in the year 1864. It will also be remembered that the experiment failed, and that the Settlement Department was accordingly revived. But it failed for the simple reason that the Collectors attempted to do, though in a less accurate manner, the very work which the Survey Department, with its costly establishment, was not more than sufficient to get through. Under the arrangement now proposed anything like minute classification or elaborate calculation would be entirely dispensed with; the work to be performed by the Collector would be simple and easy, and the measure as likely to succeed as the experiment tried in 1864 was certain to fail.

17. With respect to the topographical survey proper (that is, to the topographical survey of land not included in the survey for revenue purposes, which is also in effect a topographical survey), there remain, as above stated, 80,000 square miles to be so surveyed, at a probable cost of about £140,000. Whether the object of this survey, however useful and important in its degree, is worth the cost, I should be greatly disposed to doubt. But this, I apprehend, is a question for the Government of India and the Secretary of State, under whose express orders and as part of a general system I understand this survey to be carried on. The reduction proposed by the

trouble and expense. The soils are carefully classified, but the assessment is really determined by other considerations.

Government of India in respect to the scale of this survey should, however, at once be adopted.

18. By the measure which I have here proposed, an economy of £200,000 in the total future expenditure of our Survey and Settlement Departments, would (as has been seen) be in all probability effected. Some further, but comparatively unimportant, saving seems to be practicable by modifying the establishment and accelerating the work of the Survey Department. To these must be added whatever amount may be gained by reducing the scale of the topographical survey. But if, instead of such a reduction, it should be thought desirable that the topographical survey proper should cease altogether as partaking of the character of an expensive luxury, £180,000 more would be struck off on this account from the taxation of the country.

HOBART.

## PROPOSED TRANSFER OF FUNDS FROM ROADS TO ELEMENTARY EDUCATION.

IN accepting Lord Ripon's scheme in 1881, the Madras Government, which is the pioneer in the cause of Indian local self-government, observed that all it was asked to do was merely to build higher on old lines. Ten years previously, in 1871, it had passed through its Legislative Council an Act establishing municipalities in all considerable towns, and an Act constituting Local Boards in every district of the Presidency—these enactments superseding two less complete earlier ones, of 1865–66. After setting apart certain sources of revenue, the objects of expenditure, both in municipalities and districts, were declared to be—(1) the construction, repair, and maintenance of streets and bridges; (2) the diffusion of education; (3) the construction and repair of hospitals, etc., the training and employment of medical practitioners and vaccinators, the sanitary inspection of towns and villages, and any other local works calculated to promote the health, comfort, and convenience of the people. In the district circles the taxes leviable are:

(1) A rate or cess not exceeding 1 anna ( $= 1\frac{1}{2}d.$ ) in the rupee ( $= 2s.$ ) on the annual rent value of all occupied land on whatever tenure held.

(2) A tax on houses, varying from 4 annas ( $= 6d.$ ) to 5 rupees (10s.) per annum.

(3) Tolls upon carriages, carts, or animals passing along

roads within the circle, varying from 1 anna ( $1\frac{1}{2}d.$ ) to 8 annas (1s.).

The tax on houses was for educational purposes only; on its abandonment (*vide infra*) the diffusion of education fell on the land cess; the fair proportion of this cess to be so expended is regarded as one-sixth; but that figure has been reached in but few districts at present.

Lord Hobart arrived at Madras on the 15th May, 1872, and very early made up his mind that the local taxation instituted in 1871 in municipalities and districts, was a mistake. On the 27th *idem* he writes to Lord Northbrook: "As far as it goes, my information is that there is no conspiracy at all against us, but considerable and rankling discontent on account of the recent changes in regard to taxation. The Decentralisation measure, which has much to commend it, has done harm in this respect. It has increased local, without diminishing general taxation, and acts as a new and painfully felt turn of the fiscal screw." Again, on the 1st June following: "All my observation and inquiry satisfies me that you are right about local taxation. I will endeavour, if possible, to reduce it; if not, to prevent any addition to it; and above all, to calm the fears of the natives as to its indefinite extension. The truth is that from their ignorance and habits of mind, and its own novelty, this municipal taxation is far more objectionable to them than would be the same amount of taxation under some accustomed form."

One of the first steps taken by Lord Northbrook, after assuming the office of Viceroy, was to call for Returns, showing all cesses, rates, dues and taxes levied in British India, other than the imperial revenues; and for Reports from the several local governments upon the question whether any and what taxes, imperial, provincial, local or municipal, existing, or about to be imposed, created a feeling of discontent in the country or amongst any par-



ticular section of the people. In the previous year (1871) some members of the Viceroy's Legislative Council had stated that much discontent prevailed in most parts of India, especially on account of the income tax, and the Earl of Mayo, in papers laid before Parliament relating to military expenditure in India, had also recorded his opinion that this feeling existed, and his belief that "the continuance of that feeling was a political danger."

As regards the income tax, the general opinion of the great majority of the authorities consulted, was that the moderate assessment then in force, if made precise and unvarying, would be paid without dissatisfaction; and as regards local taxation, the only objection raised by any important section of the people, came from the Zamindars of Bengal, who pretended to consider the Government chargeable with a direct breach of faith, in imposing rates or cesses upon the land for local improvements, the settlement of the land tax on their estates having been declared by Lord Cornwallis to be "permanent." It is to be observed that before 1870, there could be no increase of expenditure in any Presidency or Province of India, without the sanction of the Governor-General in Council. In that year the expenditure upon certain services was entrusted to the control of the local governments, and it was a part of the scheme that any enlargement of the power and responsibility of those governments should be provided from local resources, *i.e.* local taxation. The resolution of the Government of India on the subject was summed up on the 21st March, 1873, in the following words: "Notwithstanding any discontent which may for the present exist in some districts with reference to the levy of local rates, His Excellency believes that the results of the policy of meeting local wants from local resources, which was affirmed by the Financial Resolution of 1870, cannot fail to be, in the end, beneficial to the people of

India. . . . Whilst, however, resolved to carry out that policy, His Excellency is glad of the opportunity which has been afforded him of declaring that no further increase of local taxation is now required." In this belief Lord Northbrook refused to consent to the Municipalities Act, which had passed through the Legislative Council of Bengal under the auspices of so distinguished an administrator as Sir George Campbell; and remarking on some expressions of opinion in the correspondence from Madras against the house tax imposable under Act IV. of 1871, for educational purposes, inquired what course the Government of Madras intended to take respecting the levy of this tax in future.

The Government of Lord Hobart decided to abandon the tax; but he still continued to think the local burdens of Madras excessive, and was even ready to accept a proposal at one time entertained by Lord Northbrook, to keep up the income tax for the purpose of reducing local taxation. (*Vide* his letter to Lord Northbrook at the foot of the present note.) He strenuously opposed all suggestions for the raising of the rate of the land cess in any district or part of a district, and wherever possible, took steps to abolish the professional tax in municipalities. These checks to local taxation he believed to be given only just in time. On the 28th July, 1873, he writes to Lord Northbrook: "The Hindus of this Presidency are a singularly mild and much-enduring race; but they are not alone, and the longer I stay here the more certain I am that they are becoming dangerous from sheer desperation. At all events, they were becoming miserable (or soon likely to become so), which was quite enough." Speaking from his own experience, the present writer, who held high office at Madras at that time, and had already served many years as Collector and magistrate of a district, would not have endorsed this opinion. In three large

towns in his district, taxation for municipal purposes had been in force with the full consent of the people, for nearly ten years previous to the Towns' Improvement Act of 1865; and in 1866 he saw the first land cess introduced in his collectorate, unaccompanied by any popular disaffection whatsoever. It was, of course, carefully explained to the principal inhabitants that the money to be collected was not an additional imperial impost, to be spent perhaps a thousand miles off, but would be carefully applied to local purposes, principally in the formation and up-keep of roads, connecting their villages with the local marts, and the marts with the local sea-ports—a consummation they ardently desired, and for the promotion of which the humblest ryot perceived that it was his interest to contribute his mite. Lord Hobart stood firmly by the opinion he had formed; he objected to the legislation which had rendered it possible to tax the people for meeting local wants; but as it was there, and had been applied, he turned his attention to diverting the funds annually collected, from expenditure on roads and bridges to expenditure on elementary education, which he considered very far the more important object of the two. The experiment of advancing the social and mental improvement of the country by an increase in its material prosperity had, he believed, been tried long enough in India, and tried in vain. Under this conviction, he proposed to his Council that the twelve lacs of rupees, which, under the Decentralisation scheme of the Government of India, was the annual sum assigned for the maintenance of the more important lines of communication, and which the Government of Madras annually placed in the hands of the District Boards (on whom had fallen the whole duty of looking after the roads of the country)—to supplement what those Boards raised themselves by local

taxation for the extension and maintenance of roads—should hereafter be applied for primary instruction. On its being pointed out that it would be inadmissible for the Government of Madras to apply towards education the sum expressly assigned to it for roads, Lord Hobart proposed to attain the object he had so much at heart by instructing the Local Fund Boards that twelve lacs of the proceeds of taxation devoted by them to local roads should in future be applied to elementary education. The members of his Executive Council—viz., the Commander-in-Chief and the two civilian members—considered that the sum left to roads under this scheme would be entirely insufficient for the development of commerce and the just requirements of the agricultural community. On their rejecting his proposal, Lord Hobart for some time contemplated having recourse to the discretionary power vested in the Governor by an old statute, of acting without the concurrence of the Council. A friend, an eminent jurist, then in India, is understood to have advised him that it was extremely doubtful if the statute would cover the case in hand. The papers were then submitted to the Secretary of State, who declined to take Lord Hobart's view of the necessity of pushing on elementary education at so serious a loss to the material improvement of the Presidency. The elementary instruction of the masses is, however, no longer likely to be neglected; that such instruction is that part of the educational system of India to which the most strenuous efforts of the State should be devoted is the leading recommendation of the late Education Commission, who also advise that it should be declared to possess an almost exclusive claim on that portion of local funds which may hereafter be dedicated to education.

"LORD HOBART TO LORD NORTHBROOK.

"MADRAS, *February 24th*, 1873.

"Your proposal to retain the Income Tax for the purpose of reducing local taxation is tempting, for it is a proposal to relieve the poor at the expense of the rich. Nevertheless, I am still of opinion that if your surplus is no more than sufficient to deal with the Income Tax, the best course is to get rid of it once for all. The *amount* of relief which would thus be given to the poorer classes would (I think) be hardly worth the extreme unpopularity which would attend the retention of the tax, not only as regards the whole European community, but also a large and influential native class, and the injustice, oppression, and demoralisation consequent on the utter antagonism of the tax to the habits and circumstances of this country.

"Moreover, it is not altogether correct to describe the proposal as one for the relief of the poor at the expense of the rich. The Income Tax is a source of discontent and dread among the poorer classes themselves, because it is a comparatively new tax; because it may at any time be extended downwards; and because it confirms the idea of the native mind that there is no end to the number of our taxes. The complete abolition of any one tax, be what it may, is, in this sense, in itself an advantage.

"The Income Tax once swept away, and all cause for reasonable complaint being thus removed from the upper stratum of society, the ground would be all the clearer and firmer for reducing the burdens upon the lower.

"The great objection to this, and the strongest argument in favour of your retention alternative, is that your Budget would thus afford relief to one class exclusively, and that the class which least requires it. It would have been (as appears to me) in the highest degree desirable to combine with the abolition of the Income Tax some large and easily

intelligible measure of fiscal concession to the poorer classes ; and I thought that you had accordingly determined to reduce the salt duty (except in Bengal) to two rupees—a measure which appeared possible because (all things considered) it would have involved no loss of revenue. I infer from your letter that you have now abandoned that idea, and the abolition of the Income Tax becomes, therefore, more questionable. But on the whole, and for the reasons which I have given, I would still abolish it.”

MINUTES NOS. XIII.—XVI.—FINANCIAL DEPARTMENT.

*Proposed Transfer of Funds from Roads to  
Elementary Education.*

With reference to my remarks upon a recent letter from the Director of Public Instruction and to the questions now before the Government respecting Elementary Education, I have a proposal to submit for the serious consideration of my honourable colleagues.

2. The House-tax imposed for the purposes of primary instruction having been abolished, it has become our duty carefully and earnestly to consider in what other manner we can provide funds for that purpose. We have in fact already given our attention to this question. Besides the means indicated to the Local Fund Boards in the Order directing the discontinuance of the House-tax, one of our propositions was to divert, if possible, to this object some part of the sum which we now expend on higher and middle-class education—it being reason-

able to infer from existing appearances that the higher and middle-class education has at length attained a point at which somewhat less exertion on the part of the Government is necessary for its support. From the information, however, which we now receive from the Director of Public Instruction it would appear that, for the present at least, but little aid can be hoped for from this quarter. No more than £4,000 appear to be obtainable in this manner for the *year* 1874-75; and though there will be a considerable addition to this amount for 1875-76, the total amount to be so provided will even in 1875-76 be very small when considered in relation to the object in view. It is necessary, therefore, to look elsewhere for that which we require.

3. I have more than once suggested in Council that a very large part if not the whole of the sum (about twelve lakhs) which is now given by Government to the Local Fund Boards (in aid of that with which the local taxes supply them) for Roads, should in future be given to them for primary instruction. I consider that the amount expended in this Presidency upon roads is, with reference to the general expenditure and to the requirements of the country, excessive. Of a total expenditure by Local Fund Boards (including grants by Government) of about £600,000, about £500,000, or no less than five-sixths, is spent upon roads. There can be no doubt that roadmaking is a very useful and reproductive application of public money. But roadmaking, as carried on in India, is an object of public expense on which

it is peculiarly necessary, in the interest of the taxpayer, to impose a strict limit. In the first place, it is obvious that there is no end to the roads which might be made with more or less advantage; that in each case it is very difficult to decide whether the additional expenditure is worth the increased taxation; and that we have not, and it appears cannot have under existing circumstances, any kind of assurance that this question will in each case be satisfactorily decided. As a matter of fact, the Collector, or the Collector and the Engineer, originate propositions for construction and repair of roads. The Government has no means of ascertaining whether the road is one which ought to be made at the public expense at all, or whether, if it is, the advantage is commensurate with the cost. In the next place, it is not fair to throw upon any given generation the expense of a road from which future generations will derive an infinitely greater amount of benefit. For this reason it might be supposed that in common justice roads ought to be made from loan-funds, in which case their cost to the existing taxpayer would be immensely lessened. But successive Secretaries of State have decided that this cannot be done; and their reason is (as expressed by the present Under-Secretary of State) that "if we were to borrow for roads we should go on borrowing to the crack of doom." But if this is a reason for not providing for roads by borrowed money, it is certainly also a reason for a very slow and gradual expenditure upon them so as not to burden unduly the present taxpayer.



That our "pauper ryots" should pay some £400,000 a year for the construction and maintenance of roads is entirely inconsistent with the principle thus adopted by the Secretary of State, and indeed with any equitable principle.

4. For these reasons I consider that the annual grant of twelve lakhs from Provincial funds to swell a local expenditure of about forty lakhs upon roads is not justifiable. On the other hand, elementary education is an object open to none of these objections. There is no danger here (under proper regulations) of our not receiving a *quid pro quo*—no danger (for the Government through the Educational Department superintends the work) that Collectors will recklessly or injudiciously incur unprofitable expense. In this case the generation which pays the tax is the generation which reaps the advantage. Moreover, the object itself (as appears to me) is very far the more important of the two. There can be no doubt indeed that any increase in the material prosperity of a country tends indirectly to its social and mental improvement; but we have been long enough in India to see that the development of communications and trade will not avail to bring about that which is now the great want of India—the education of her people. They remain, as a body, in a condition of the most deplorable ignorance.

5. Strongly impressed with these considerations, I should myself have been glad if it had been possible to apply, not only the twelve lakhs now given by Government to Local Funds for roads, but a consider-

able portion of the proceeds of the "Land-cess," to the purpose of elementary education. But, at the very least I think we are bound to substitute education for roads as the object for which the grant of twelve lakhs is in future to be made.

6. It has been urged as an objection to this proposal, that the twelve lakhs in question are given to the Local Fund Boards by way of compensation for the burden which was thrown upon them by Government of maintaining the Trunk Roads. The answer is that what is now proposed is not to take away anything which we give to them, but to require them to apply what we give them to another object, which I consider more, and which most persons would consider at least equally, beneficial to them. Under the arrangements which I propose, Trunk Roads would be maintained by the proceeds of local taxation ; and to provide for this expense, it will be necessary to diminish the expenditure to the same amount (that is, to the amount of twelve lakhs) on local roads. But on the other hand, primary education, which is an object far more important than local roads, will be provided for (so far as twelve lakhs will go) gratuitously by the Government. I may add that as a matter of administration it is very usual in European countries to throw upon local institutions the maintenance of Trunk Roads.

7. I do not of course propose to give at once, and without qualification or exception, the twelve lakhs to the Local Circles, for Education instead of Roads. In some of them circumstances may be such that it

would be impossible, for the year 1874-75, to divert the whole Provincial grant in this manner. But in most, if not all of them, a great deal may be done in the direction required ; and I would address a circular to the Collectors stating clearly and decidedly the intention of the Government that the grant should be applied in the ensuing financial year so far as may be possible, and unless in any particular case strong and exceptional reason can be shown to the contrary, not to roads but to primary education ; that their Budgets for 1874-75 must be prepared accordingly ; and that in regard to the mode of application, they will have to place themselves in communication with the officers of the Educational Department. By the time we have received replies to this circular, we shall have been informed of the views of the Director of Public Instruction as to the best mode of conducting, under the altered financial circumstances, elementary education throughout the Presidency.

(Signed) HOBART.

*6th November, 1873.*

I have read with the most careful attention the Minutes of my honourable colleagues on this subject, in reference more especially to the proposal which I submitted with a view to providing this Government with the means of taking some effectual step towards the elementary education of the people — without adding (as it was proposed to add by the imposition of the House-tax) to the burdens inflicted upon the poor. And in the first place it is necessary to observe

that I am (as is evident from the Minutes which have been recorded) directly at issue with my honourable colleagues in regard to the relative importance of the object which I have in view. My honourable colleagues would (as I infer) consider that the abandonment, which I need hardly say I have not proposed, of roadmaking (as distinct from road repairing) for the future would be an evil of greater magnitude than acquiescence in the present mental condition of the people. From this proposition I must express the most complete and unqualified dissent. I think, on the contrary, that even if the measure which I had proposed would lead, in a far greater degree than would really be the case, to diminished expenditure upon roads, the evil would be infinitely less thus than the continued disregard by the Government of the absolute and deplorable ignorance of the great majority of the population. This last is an evil of such enormous magnitude that I confess it appears to be somewhat surprising that a proposition to diminish by about one-fourth the annual amount (little less than half-a-million sterling) which we are now spending on roads in this Presidency, and which it would appear is intended to continue for an indefinite period of time—in favour of an expenditure which would enable us to make some serious inroads upon popular ignorance—should have been the subject of a moment's hesitation.

2. I proceed to reply in detail to the arguments of my honourable colleagues.

3. It is in the first place urged that the resolution

of the Government of India by which a permanent aggregate grant was made to each province as a provision for certain specified purposes does not admit of a diversion from one of those purposes of funds devoted to another. It appears to me that the resolution bears no such construction; and that, on the contrary, one of its principal objects was to allow Local Governments full discretion in regard to the appropriation of the grant as between the different objects of expenditure for which it was assigned. Even were it otherwise it is obvious that the objection might be completely met by an application for the assent of the Government of India to the measure.

4. It is next contended that after allowing for maintenance and repairs, only about £175,000 will be available annually for the purpose of making new roads as distinct from that of maintenance and repair—and that this is not sufficient. To this I reply that whether this sum really is or is not “sufficient”—which means merely whether useful employment in the construction of new roads can or cannot be found for it—is not here the question. The question here is—not whether new roads at a cost of £175,000 annually can or cannot be made with advantage to the country; but whether—considering the vast sums already lavished upon roads—considering that the annual expenditure on roads, when diminished as I proposed, would continue for a time to which no limit is contemplated, and would amount at no very distant time to a formidable sum—considering above

all the vast and paramount importance of the object in view—the gradual dispersion of popular ignorance—it is not desirable to devote for the future somewhat less than two-thirds of this £175,000 to elementary education rather than to new roads. We have already spent, in the last ten years only, £1,500,000 upon the construction of new roads—roads in addition to those previously existing—in this Presidency; we are now spending about £175,000 upon the same object annually. If my proposal is adopted, we shall still be spending £60,000 a year, which is the interest, at  $4\frac{1}{4}$  per cent., of (nearly) £1,400,000, on the construction of new roads. I submit that this is not a condition of affairs which warrants the determined resistance which has now been made to the very moderate suggestion that, in future, expenditure on roads in this Presidency should not be more than three times as much as that on elementary education.

5. With respect to a remark of my honourable colleague (Mr. Sim) I have to observe that I have nowhere spoken of “gratuitous” education as a necessary incident of my proposal. I believe that in the “Results Grants” system we have the most powerful instrument for elementary education, but the question as to the best mode of applying the funds at our disposal is evidently distinct from the present question.

6. To the argument used by my honourable colleagues that the  $11\frac{1}{2}$  lakhs were given by this Government not for local but for trunk roads, I have already replied in the 6th paragraph of my Minute

of the 6th November, 1873, which appears to me to afford a complete answer to that objection. I confidently submit that there is no ground for the statement of my honourable colleague (Mr. Robinson) that this proposal involves any breach of faith with the Government of India, the Local Boards, or the people. With respect to the Government of India, I have already observed that any difficulty which may be felt as to the effect of the Financial Resolution of 1870 may be removed by obtaining its consent; but that I do not believe in the existence of any such difficulty. As regards the Local Boards, while on the one hand we shall under the arrangement which I propose devote a certain portion of the proceeds of local taxation to trunk roads instead of to local roads; on the other hand we shall be to precisely the same extent conferring upon them the far more than equivalent advantage of popular instruction. The Local Fund Boards of the Presidency have shown of late a very strong interest in such instruction; and I believe there is not one of them that would not rejoice in a change so full of advantage to the people. The objection however—supposing it to be valid—is merely formal; and this being the case, there would be no difficulty at all in obviating it. For this purpose we should only have to consider the annual grant of £120,000 as still given for trunk roads, and to instruct the Local Fund Boards that £120,000 of the proceeds of local taxation now applied to local roads should in future be applied to elementary education. The effect

would be precisely the same as that of my proposal. The same sum would in each case be expended—

(1.) On local roads.

(2.) On elementary education.

(3.) On trunk roads.

7. The difference would simply be that in the one case the two first objects—local roads and elementary education—would be provided for by Local Funds; and the third object—trunk roads—by Provincial Funds. In the other, the first and third objects—trunk roads and local roads—would be provided for by means of Local Funds; and the second object—elementary education—from Provincial Funds. I should have no objection to the adoption of the first of these alternatives; but I submit that any advantage which it may have in point of form is more than counterbalanced by the greater convenience of the arrangement which I propose.

8. The Hon. Mr. Robinson urges that the requisite funds for elementary education ought to be obtained, not in the manner which I have proposed, but by a renewed resort to local taxation. Upon this I have to observe that the abolition of the House-tax, which was a tax imposed for this purpose three years ago, was cordially approved of by the Government of India, and received also the approval of the Secretary of State qualified only by the observation referred to by my honourable colleague respecting local taxation. It is impossible to infer from that observation (as my honourable colleague



appears to have inferred) that the Secretary of State desires to see, in the present circumstances of the people, additional local taxation imposed upon them for this or for any other purpose. In respect to the abolition of the House-tax, both the Government of India and the Secretary of State must be considered to have adopted the view of this Government that local taxation ought not to be increased, but rather diminished, and that it has tended of late to press unduly upon the agricultural population of the country. That this view is justified by the facts of the case I have not myself any kind of doubt; and I shall resolutely oppose all increase of taxation even for such a purpose as popular instruction. Failing this resource, there is no other of any considerable importance open to us except that which I have proposed.

9. I would earnestly press for a reconsideration of this question.

(Signed) HOBART.

6th June, 1874.

I submit that the further Minutes of my honourable colleagues, which I have attentively read, have left my argument in its main features unshaken.

2. My honourable colleague (Mr. Sim) observes that the total assignment from Provincial Funds for education is fully equal to the amount (about 11½ lakhs) granted from Provincial Funds for roads. This, however, is obviously no answer to my representation that the whole amount *spent in this Presidency on*

roads, irrespectively of the Government grant, is about £300,000, whereas the amount spent (not on "education" but) on *elementary* education is so small that to add to this sum of £300,000 a further sum of £115,000 for roads instead of allotting that further sum to elementary education is to lavish our resources upon an object already amply provided for, while there exists an object to say the least as important, imperatively requiring our assistance and for which scarcely any provision at all has been made. My honourable colleague states that he sees no "hardship or unfairness in expecting the people to contribute what more may be required for education," from which I infer that he considers that no further aid ought to be given by Government to elementary education, and that the means for such education (if provided at all) should be provided by increased taxation. I need hardly say that I am resolutely opposed to any suggestion which would increase the taxation of the poorer classes; nor do I believe that such a course would be sanctioned either by the Government of India or by the Secretary of State. My honourable colleague's view would therefore, if adopted, be tantamount to the prevention of any further progress (at least for the present) in elementary education. I trust and believe that no such decision will be taken; and that our best efforts will, on the contrary, be directed to find the means, by diminishing expenditure on unimportant or less important objects, for effecting some gradual improvement in the mental condition of the people.

3. My honourable colleague urges further that the greater part of the expenditure on roads is contributed by the "agricultural community out of their own pockets;" that the "general community" may "do the like for education if they please;" and further that if the Government gives nothing for roads out of the general revenue, the agricultural community will have "strong cause for complaint." The actual state of the case is this. "Local Fund" taxation falls almost entirely upon the agricultural community, which is therefore, for the purposes of such taxation and of this question, the "general community." The agricultural community has been *compelled by the Government*, which imperatively imposed the Local Fund taxes, to provide about £300,000 a year for roads—the wishes of that community not having been in any way consulted in the matter. If they had been consulted, surely it cannot be said with any confidence that they would have preferred to spend the whole proceeds, even of this £300,000, on roads rather than assign part of it, however small, to elementary education. Most certainly it could never be expected that, in face of this compulsory taxation for roads, they should be prepared (even if they had the power) further to tax themselves for elementary education; and being thus compelled to pay taxes (whether they will or not) for roads, which are thus more than sufficiently provided for, I do not think that they would have—nor do I think that they would feel that they have—"cause" either for "complaint" or surprise, if any

grant which might be made to them by Government was made, not for roads, but for primary instruction. If my honourable colleague's meaning is that our cultivators would have a right, in that case, to complain that the £115,000 or £120,000 from Provincial Funds was given for elementary education and not for the purpose of enabling us to reduce the Land-tax to the same amount—I can only say that rather than acquiesce in a continuance of the present state of things I should be prepared at once to remove their ground for complaint by adopting the alternative thus suggested. But I have no idea that my honourable colleague would agree to its adoption.

4. As regards “gratuitous” education, I should explain that in speaking of education as gratuitous “so far as twelve lakhs will go,” I had no intention of suggesting that it should be absolutely gratuitous, or any desire to prejudge the question.

5. With regard to the observation of my honourable colleague (Mr. Robinson) that he is unable altogether to follow my figures, I have to explain that the figures which I used were those cited by my honourable colleague in paragraph 6 of his Minute. From those figures it appears that we are spending annually about 23½ lakhs upon maintenance and repair of roads, and about 17¼ lakhs upon constructing new roads, and these, with the fact that in the last ten years only we had spent £1,500,000 on the construction of entirely new roads, were the principal facts on which my argument relied.

6. My honourable colleagues appear to be of

opinion that after the expenditure since the year 1864 of £1,500,000 on the construction of entirely new roads in this Presidency, which must have been not inconsiderably furnished with them before that year, and in continuing to spend annually (with a determination apparently to resist any proposal, whenever it may be made, to diminish the amount) £175,000 more (the interest of £4,117,600 at  $4\frac{1}{4}$  per cent.) upon the same object, we are doing no more than is justified by the extreme need of the Presidency for this, as compared with any other possible object, of public expenditure. In this opinion I cannot for a moment agree. I believe that there is an object even more important, certainly not less important, *cæteris paribus*, than roads—the elementary education of the people; and that—considering the immense sums already expended on the construction of roads in this Presidency and the large sum which will in any case continue to be annually expended upon it—considering on the other hand the insignificant amount which we have been able to provide for the purposes of elementary education—my proposal to divert to the latter object a part of the annual expenditure upon the former is one the adoption of which is required by a due regard to the interests of the people.

(Signed)

HOBART.

20th June, 1874.

When my former Minutes on this subject were written, I was unaware of some additional facts which

I might have adduced in favour of my proposal. During the discussions which took place in the Legislative Council upon the Local Funds Act of 1871, the proposition that two-thirds of the Land-cess (an impost which produces about £320,000 annually, and is in fact the whole of Local Fund taxation) should be, by a provision in the Act itself, compulsorily allotted to roads—was strenuously opposed. The proposition was indeed startling enough; and it would (there can be little doubt) have been negatived, had it not been for the consideration, strongly urged by its supporters, that, owing to the insufficiency of the aggregate “Provincial Service grant” which (under the new “Decentralisation Order”) had been assigned to this Presidency, it would be necessary in future greatly to reduce the grant by Government (of about £112,000) hitherto made for roads, in order that the saving might be applied to other Provincial Services. This argument prevailed; and it was on this understanding—*i.e.*, that the Government grant for roads should in future be greatly diminished—that the proposal to apply two-thirds of the Land-cess to roads was carried in Council. Accordingly, in each of the first two years after the passing of the Act, only £92,500 was given by Government for roads. It will thus be seen that the present grant of about £115,000 a year for that purpose is in direct conflict with the intention of the Legislative Council in passing the Act, and with the understanding upon which its members were induced to assent to the proposition respecting

the Land-cess. It will also be seen that, in opposing any considerable reduction for the purpose of promoting elementary education of the amount now given by Government to roads, my honourable colleagues are acting in opposition to the intention of those by whom the Act was passed: the more so that the claim of elementary education, which was before extremely strong, has been further strengthened by the abolition (dictated by imperative political expediency) of the House-tax, which was imposed for the purposes of such education. It appears to me that, in face of these circumstances, the maintenance at its present amount of the "Provincial Grant" for roads, rather than an application of part of it to elementary education, cannot possibly be defended. My own opinion, for which it seems to me that I have shown sufficient grounds, is, that the whole of that grant (admitting of course exceptions on due cause proved) is not more than ought to be given by Government to assist elementary education.

2. It would appear, however, that there is no possibility of an agreement between my honourable colleagues and myself upon this question; and, considering on the other hand the extreme importance which I attach to my proposal as affecting the future welfare of this Presidency, it is incumbent on me to neglect no legitimate means which may be at my disposal with a view to its adoption. I have therefore felt it my duty anxiously to consider whether the case was one in which I might properly avail myself

of the powers conferred upon the head of the Government by the Act 33 Geo. III., Cap. 52, Sec. 47.\* I confess it appears to me that this question must be answered in the affirmative; that the proposition which I have submitted is undoubtedly one "of high importance and essentially affecting the public interest and welfare;" and that, looking to the terms and intention of the enactment, I should be justified in acting upon my own opinion, and passing an Order or Resolution accordingly. And if it appeared that the choice lay exclusively between this course and acquiescence in the opinion of the majority upon the question, it is a course which I should not hesitate to adopt. But, having regard more especially to the fact that the case is not one which requires immediate action, there is an alternative which I think preferable and which I have accordingly to propose to my honourable colleagues. It is that the Minutes recorded by the Members of Government on this subject (with any papers necessary to explain them) should at once be submitted to the Secretary of State, for his early decision upon the question at issue. Should the result be unfavourable to my proposal, I shall at least have had the satisfaction of earnestly advocating a measure which I believe to be imperatively required in the interests of the people of this country. Should

\* These powers were first conferred by the 26 Geo. III. Cap. 16. Warren Hastings had been so constantly overruled by a majority of his Council on matters of high importance, that Lord Cornwallis refused to accept the office of Governor-General unless such powers were entrusted to him.—*Ed.*



the decision be wholly or partially in my favour there will be time to prepare the Board of Revenue and the Local Fund Boards, before the submission of their Budgets for 1875-76, for the consequent changes in their estimates of expenditure.

(Signed) HOBART.

25th June, 1874.

## LAWRENCE ASYLUMS.

IN 1856, Sir Henry Lawrence, who had already established Schools at Sunáwar and Mount Ábu for the children of European soldiers, made an offer of a donation of 5,000 Rupees and 1,000 Rs. annually, if a similar institution were started at some hill-station in the Presidency of Madras. Two schools: one for European and Eurasian boys, the other for girls—the children of soldiers in the East India Company's and the King's regiments serving within the Madras command—had been founded at the Presidency town as far back as the time of Sir Archibald Campbell, K.B., who was Governor and Commander-in-Chief at Fort St. George from the 6th April, 1786, to February, 1789. Every soldier in the old Coast Army subscribed a day's pay, every officer a week's; the civilians and the English merchants were also liberal subscribers; the Nabob of Arcot gave a house, and the Directors of the East India Company supplied certain allowances. But no similar asylum existed on the hills; and it was one of the principal objects of Sir Henry Lawrence's solicitude for the children of the European soldiery to remove them in their early years from the debilitating effects of a tropical climate.

In response to Sir H. Lawrence's offer the community at Ootacamund, Nilgiri Hills, collected a considerable sum; but the Government declined to help them, or to promote the amalgamation of the Madras asylums with the new one,

so long as the subscribers maintained the fundamental rule laid down by Sir Henry regarding religious instruction, viz. that it was to be imparted on a strictly Protestant basis. On this the scheme was abandoned. On the 4th July, in the following year, Sir H. Lawrence fell at Lucknow, recommending in his will the projected school at Ootacamund to the fostering care of the East India Company. Shortly afterwards the asylum was opened, supported mainly by a grant-in-aid from the Government. The Secretary of State at first deprecated the removal of the Madras Asylums' children, who were generally of mixed blood, to the hills, believing the climate of the plains far more congenial for them than that of a very elevated table-land. Ultimately the objection was waived. In April, 1864, the site of the new buildings was selected; the plans were to provide for the accommodation of 400 boys and the same number of girls, with the necessary establishment. It was not till 1869 that the buildings were sufficiently advanced to admit of the children, then numbering 120 European boys and 63 European girls, being removed to them from the cottages they had temporarily occupied at Ootacamund. In 1871 the amalgamation with the Male asylum at Madras was completed, and its inmates, 220 in number, were transferred to the hills. The Female asylum at Madras is left as it stood. The cost of the buildings and ground to Government has been £75,000; but the chapel has not been begun, nor has the accommodation promised to the *daughters* of soldiers been afforded. The girls are not more than sixty in number, and are located in the hospital building. Nor are the boys so numerous as was expected; the strength is now 302, and is likely to decline under the present short service system, and the absence of regiments enlisted for service in India alone, like the East India Company's European force.

Further experience continues to show—as Lord Hobart

believed could be shown at the date of his Minute—that the climate of the Nilgiris is as well suited to Eurasian as to European children. Of the children now on the rolls, 242 are Eurasians against 99 Europeans, and nothing could be more satisfactory than the health of both classes all the year round; while, under better management, the condition of the asylum in some other respects—whether originating or not with the first batch of boys brought up from the Madras school—has greatly improved. Lord Hobart was misinformed when he stated that Eurasians “have no chance of ever entering the army;” though exceptional it is possible. Certain classes of them *are* admissible; and there are not a few men of Indian experience who support the proposal, so constantly advocated by the Eurasian community, that it would be well to form a few regiments of Eurasian soldiers. The “Volunteers” of India are principally Eurasians, and, in times of war and mutiny, Eurasians have often shown themselves excellent soldiers—in some cases able leaders of Asiatic troops.

MINUTE NO. XVII.—LAWRENCE ASYLUMS.

The measures proposed by the Commission on the Lawrence Asylums are such as would completely change the character of these institutions and the system under which they are administered. As affecting this Presidency the most important changes proposed are as follows :

1. The Eurasian boys who form the majority of the inmates in the asylum at Ootacamund, and whom it was thought so great an advantage to have recently brought there from the enervating climate of Madras,

would be sent back to Madras, their places being supplied by European boys from Bombay.

2. The European boys remaining would be placed under a Military Governor, trained and disciplined as in a military school, and required to enlist at the earliest possible age.

As regards the first proposal I am unable to admit that any case has been established in its favour. It is true that the present condition of the asylum is in many respects most unsatisfactory; but it does not appear to me that any great evil has been shown to be a necessary consequence, under proper arrangements, of the association of Eurasian with English boys. On general grounds, I think, such an association so far from being objectionable is very desirable. The European boys, if properly instructed (as it may be hoped that they will in future be), are in this manner trained to habits of mind which, if only with a view to our own interests in the East, it is most important to encourage in the dominant race. The very association itself must have its effect in this direction; and when, under judicious and watchful management and by the friction of daily life, the boys have learnt to look upon colour as no obstacle to friendship and respect, an advantage will have been gained which I think it should require very strong reasons to induce us to forego. The Commission seems to consider that Eurasians derive no benefit from the hill climate: but that this is not the case I believe the experience of Ootacamund has sufficiently proved; and if it be the fact (as seems

certain) that the removal to the hills has added to their health and strength, we have a further and very cogent reason for retaining them there.

The chief reason, however, which has induced the Commission to advocate the change is evidently their second proposal—to convert the asylum at Ootacamund into a purely military institution, Eurasian boys being obviously out of place in a training school for service in the army, which they have no chance of ever entering. I trust that the second proposal of the Commission will not be adopted, and therefore that this reason will have no existence so far as this Presidency is concerned. Another argument is the advantage to the Eurasian boys as regards the facility of obtaining employment when they leave the asylum of being at the Presidency town: but this argument, which may have some force in the Bengal Presidency, has scarcely any in the face of the rapid and inexpensive communication now existing between Ootacamund and Madras—certainly none which ought to weigh for a moment against the sanitary and other advantages of an education on the hills.

With respect to the second proposal of the Commission, which would give, in constitution and in results, an exclusively military character to the institution, one of my objections to it is that it would imply the relegation of the Eurasian children to the plains—a course to which for the reasons which I have explained I am very decidedly opposed. Another objection is that I should be very reluctant to offer to the sons of European soldiers the alternative of

exclusion from an institution founded by private liberality for their advantage unqualified by any such condition, or of compulsory service in the army. Neither Sir Henry Lawrence nor the munificent benefactors who made such large sacrifices to create and sustain the Military Orphan Asylum of Madras can, I imagine, have contemplated any such restriction. If the parents had remained in England there would have been no such limitation in the choice of a career for their sons. Right feeling as well as self-interest have induced us to treat the English soldier serving in distant and unhealthy climates with peculiar consideration; and the proposed qualification of the privilege which he has so long enjoyed must deprive it of half its value. The disinclination of the European boys at Ootacamund for military service is well known. There is no doubt that the same disinclination exists in the sons of soldiers who remain in England, and who are nevertheless required, as a condition of admission to a military school, to adopt a military life. But the difference is that in India we profess to care in a more especial manner for our troops, and that establishments have accordingly been founded by private benevolence and supported by the Government, with the intention of providing for the sons of soldiers a general elementary education such as may fit them for a great variety of occupations, and with no intention of limiting them to that for which they have usually a rooted aversion. It is true that there is some considerable difficulty in providing for European boys when they are at an

age to leave the asylum ; but I think this difficulty is one which by foresight and judgment may be greatly diminished, and in any case that the proposed remedy is worse than the evil, and it will, I presume, be admitted that unless a military life is to be compulsory on the European soldier's son a military governor and military discipline in the asylum are not to be desired.

My honourable colleagues propose that the European boys should be sent to England, and there admitted to a military school which should train them for compulsory military service. Upon this I would remark, first, that I think the apprehended financial objection to the arrangement may really be very considerable. The course proposed would at all events imply the construction of a new military school, and the creation of a new establishment which must entail no unimportant expense. But, secondly, it is not (as I understand), and I certainly think that it ought not to be, proposed to force this arrangement upon those applying on the part of the sons of soldiers for admission to the benefits of the asylum. And, being optional, I should not suppose that the alternative would be to any considerable extent accepted. The distaste for a military career cannot be materially different, whether the enlistment is to be in an English regiment stationed in England or in an English regiment stationed in India. There are some advantages (with no doubt many disadvantages) in the Indian life of a soldier : and there would always be this to consider, that the



regiment serving in India might at any time be ordered home, while, on the other hand, the regiment serving in England might at any time be ordered to India. I am more than doubtful therefore whether there is any practical advantage in this proposal. On the whole, I consider that the great changes contemplated by the Commission are in a high degree undesirable, and that the best course to pursue with reference to the asylum at Ootacamund is that on which this Government has already entered—such a change in regard to the officials by whom, and the arrangements under which, the present system is administered as will remedy existing evils, and, while improving the physical and moral condition of the inmates, will impart to them an education selected with careful reference to the probable character of the employments which can ultimately be found for them, and will provide so far as circumstances allow for their obtaining such employment at an age beyond which they ought not to remain at the asylum.

There is, however, one recommendation of the Commission which, I think, might be adopted with advantage. The principles which they lay down as those by which admission to the Ootacamund Asylum and to the Military Female Orphan Asylum at Madras should be regulated appear to be sound, and should, I think, be adopted by the Committees by which the affairs of these institutions are conducted.

HOBART.

31st *December*, 1873.

## MOPLAH OUTRAGES IN MALABAR.

THE two following minutes relate to a numerous section of the population in Malabar, descended from Arab seamen, who visited, or settled on, the coast some centuries ago, and consorted with the women of some of the numerous lower Hindu castes. To this section, which bears the name of *Moplah*,\* converts to Islam from the same castes are continually added; the Moplahs of Malabar, which has an area of 5,765 square miles, now numbering nearly 500,000 out of a total population of 2,365,000. The Hindus in the district are rather more than thrice the Moplah population; the non-Moplah Muhammadans number 150,000, and the Christians 43,000, chiefly Roman Catholics.

The British district of Malabar is a portion of the ancient Hindu province of Kerala, which extended from Cape Comorin in the south, as far north as the River Chandragiri, which enters the sea near Cassergode, in lat. 12° 29' N., long. 75° 1' 6" E. The history of the country, as given by ancient Hindu writers, is that it was discovered by a Bráhmaṇ hero from the north, Parasu Ráma, soon after it had come into existence by the recession of the sea, and by him bestowed on people of his tribe. To prevent their properties being split up and to secure the importance of their families, he provided that each estate should descend to the

\* Properly "Mápillas," *lit.* mother's children; the paternity being often doubtful.

eldest brother, who alone was permitted to marry. The defence of the country was at first committed to the younger brethren, but as these showed aversion to a duty that was not sacerdotal, no less than to a life of celibacy, their patron proceeded to the north and procured a colony of martial race who agreed to form the army, to cultivate the soil, and to allow their women to cohabit with the Bráhmans, to whom the ordinance of marriage had been denied. These newcomers, the Nairs, were of the Aryan stock, but had so far dispensed with the rules of that community as to think scorn of the same ceremony for themselves, living in concubinage, and allowing their property to descend to their sisters' sons. The land already belonged to the Bráhmans, who held it as their *jamna*, or birthright; the Nairs, who agreed to cultivate it, were to retain one-third of the produce for their own support, on a tenure styled *kánam*, from *kan*, the eye, on account of its holder being the visible occupant. The Bráhmans then established a form of republican government, presided over by a *Raksha purusha*, or protector. In the third century of the Christian era the practice of electing a protector from amongst the natives of the country was given up, and illustrious foreigners, generally members of a great dynasty in the neighbouring Karnatic country, were appointed to the office for a term of years, at first three, then twelve. The last of these rulers, after shaking off the Bráhman yoke and establishing an absolute monarchy, is represented as resigning his throne, dividing the lands, the appanage of his sovereignty, amongst his Nair courtiers, and retiring to Mecca to adopt the religion of Muhammad. From that time, except so far as European nations had secured the cession of certain places on the coast, Malabar remained at peace under its native rajahs, till subjugated by Hyder Ali in the eighteenth century. His first descent into the country was an expedition for plunder in 1760. Six years

later, he came again at the instigation of Ali Rajah, a Moplah chieftain, to whom the Dutch had sold their possessions at Cannanore. The whole province was now reduced under his power. Three chiefs were allowed to retain their principalities, but the others were driven out, escaping either to Travancore, or the English settlement of Tellicherry, or the jungles; the management of their estates being entrusted by Hyder to his faithful Moplah ally above mentioned. During the war which broke out between the English and Hyder in 1768, these fugitives returned, reinstated themselves and held possession till 1774, when the southern rajahs were again expelled, the northern ones saving themselves on condition of paying tribute. In the treaty between the English and Tippoo, executed in 1784, soon after Hyder's death, all the chiefs of Malabar who had allied themselves with the former during the late war were included, Tippoo engaging not to molest them. Four years afterwards, however, he descended into the province, intent upon "honouring its shamefully immoral inhabitants with Islam." Again the principal people fled the country; those that remained stood out in rebellion, and when Lord Cornwallis declared war against Tippoo in 1790, the Hindus of Malabar heartily joined the English, the Moplahs siding with Tippoo. Before the end of 1791, Tippoo's army was driven out of the country, the rajahs both in the north and south were restored, and their territories included in the cessions made to the British Government by the Treaty of Seringapatam in the following year.

With the administration of Hyder and Tippoo, the principles of Muhammadan finance were introduced, and worked with such rigour by Musalman officers, that the share of the ancient landlords in the produce of the soil was practically absorbed. A confiscation so complete, no less than the recollection of the insane attempts on the part of Tippoo, during the later years of his government, to forcibly

convert to Islam the whole of his Hindu subjects in Malabar, could not fail to animate the Bráhmaṇ and Nair proprietors with the bitterest feelings against the Moplahs and other Muhammadans, as they returned from painful exile to resume their ancient position in the country. For several years after the commencement of British rule the Rajahs of Malabar remained as feudatories, despotic within their own demesnes; afterwards all attributes of government were taken from them. But they continued uncontrolled as landlords, and while some of them even now make it a standing rule to admit no Moplah tenants within their borders, it may well be believed that in the early years of the century a still more remorseless hostility was displayed; certain it is that from 1795 to 1805 the Moplahs were in open rebellion, and were not subdued but by the adoption of the sternest military repression.

In 1841-43 fresh outbreaks occurred. The magistrate ascribed the cause to fanatical feelings; a mosque, he reported, had been built in honour of the insurgents, near the place where they had "gained martyrdom," and their graves were passed by their co-religionists in silence, and with an attitude of homage and devotion. In 1849 a band of thirty Moplahs went about murdering influential Nair landholders, and at last got into a Hindu temple, whence they repulsed the attack of a company of Sepoys, killing the British officer. A detachment of H.M. 94th Regiment was then sent against them; the Moplahs came out to meet it in the most determined and resolute manner: "It was beyond expression extraordinary to see a small band of men, some mere boys, rush out on this force; they evidently wished not only to die but to die with as much *éclat* as possible. As for taking them alive it was impossible; they fought with the utmost desperation as long as any strength remained." The leader of the band was a Moplah, belonging to a family which possessed considerable in-

fluence in the days of Tippoo, and had during that period appropriated a good deal of property belonging to one of the expelled Hindu rajahs. On the downfall of Tippoo the rajah recovered what he had lost; the Moplah family joined the rebellion that followed; many of them lost their lives, forfeiting their own somewhat extensive estates. Before rushing out to battle with the British soldiers, the insurgents of 1849 wrote out a paper, and left it stuck up in the pagoda, addressed to the magistrate. They proclaimed themselves in this document as the champions of Islam, whose followers had been depressed by their astute, wealthy, and powerful Hindu neighbours for fifty years past; they described certain grievances suffered by Musalmans, especially the particular injury which led them to defile the pagoda they then occupied, viz., that the neighbouring rajah had lately most grossly distressed the consciences of his Musalman tenantry by making them, as well as his Hindu tenants, contribute to its restoration. The postscript to this document was written by the second leader, a priest, no Moplah but an Arab, a Sayid, or descendant of the Prophet. It ran as follows: "I, Sayid Assan, state that my reason for joining these people arises from the dictates of religion; for, when Musalmans are in trouble or danger, it is for us Sayids to join and die with them. Seeing their grievous state, I, thinking of the face of God, have joined them. If, after this, the necessary inquiry is not made and redress afforded to the grievances, recurrences of the present events will take place every time the Musalmans are oppressed. The Government, I know, is guided by truth." The magistrate considered, however, that the Moplahs had no grievances from which they could not readily get relief in the Courts of Justice,—his only proposals, which the Court of Directors, he observed, had already refused to sanction, were to disarm the Moplah community, to escheat the insurgents' property, and to

levy a fine on the Moplahs of the district from which the chief fanatic breaks out. The Government of Sir Henry Pottinger, following the magistrate, ascribed the rising to the impulse of fanaticism: the injuries which the Moplahs declared themselves to be suffering from, it believed to be unfounded or, where there was any foundation for them, beyond the reach of any special measures that could be taken by the State.

Two years later, in 1851, there occurred what is known as the "Kolatúr" tragedy—where an aged Nair landlord was brutally killed. Here at last the magistrate was forced to make an admission of Moplah hardships. He writes as follows: "There is a natural feeling of repugnance to say anything which may have the appearance of palliating the horrors of this crime; but there is no doubt of the fact that the Kolatúr Moplahs had a great grievance in having opposition thrown in the way of their erecting a mosque there. A population of 1,000 souls had to carry their dead some five miles for sepulture. The grievance, no doubt, resounded through the Moplah country, and was seized on by the fanatics as a popular ground for revenge." It appeared, further, that the same landlord had recently ejected numerous Moplah tenants to make room for building sites for the priests of an adjacent pagoda. Both in the case of this last outrage, and of another which followed it at the beginning of 1852, there was good reason to believe that before engaging in the crime, the malcontents had proceeded to the residence of their *Tangal*, or high priest, at Tiruvangadi, a man born and trained in Arabia, and obtained his blessing on their enterprise. The Moplahs of Malabar regarded this priest almost in the light of a divine legislator; they swore by his foot as their most solemn oath; treasured up the earth on which he spat, and credited marvellous stories of his supernatural knowledge and of the fervour of his spiritual exercises. That he was in every respect a

dangerous person, enjoying an *imperium in imperio*, was a matter of no doubt; it was known that he was inciting the lowest classes of the Moplahs to refrain from the use of accustomed honorific appellations in addressing respectable Nairs in common converse, even to eat no food prepared by a Hindu—widening in every way the breach which so many causes had already made between the two religions. The Government directed that he should be closely watched; proceeded against if it became possible to bring his alleged complicity home to him by judicial proof; or removed from the country if his crime remained matter of moral certainty only. The magistrate, with the assistance of some loyal Moplah merchants, succeeded in persuading the *Tangal* to voluntarily retire to Arabia, a measure furtively carried out, owing to the intense opposition to which it would inevitably have been exposed on the part of his enthusiastic disciples. In reporting the *Tangal's* departure, the magistrate of the district urged the appointment of a Commission to report on the question of Moplah disturbances generally. "I wish," he stated, "for the fullest publicity. If any want of, or any mistake in, management on my part has led in the slightest degree to these fearful evils which have occurred during my administration, I am most desirous that a remedy may be applied, whatever be the effect as regards my personal interests. The Hindu landlord and the Moplah tenant are to be found almost everywhere in Malabar; and if, when the Moplah thinks himself aggrieved, he is to resort to fanaticism and the sword, all civil government is of course disorganised." On this a Commissioner was appointed, 17th February, 1852. He was directed "to trace out the causes which have produced or influenced the unhappy state of feeling between the Moplahs and the Hindus of Malabar, owing to which the province had been disgraced by a succession of outrages of the most heinous character during a series of years



past." Mr. Strange, the gentleman selected, then a judge of the Sadr Adálat, the East India Company's chief court at Madras, submitted his report on the 25th September following. He had formed the most unfavourable opinion of the Moplah community: it was treacherous and fanatical; the land tenures of Malabar were intricate but far from irrational; there was an entire absence of any real grievance tending to palliate the outrages that had occurred; instances might occasionally arise of individual hardship to a tenant, but the general character of the dealings of the Hindu landlords towards their tenantry, whether Moplah or Hindu, was mild, equitable, and forbearing. The hatred between the two religious classes now prevalent had, in his opinion, been fermented and exasperated by the pride and intolerance of the Muhammadan priests, and by the general relations between the Hindu and Moplah, which were of a nature to bring them into collision and to excite the grasping and vindictive character of the Moplah. He pronounced it a mistaken policy to have called members of this truculent race to office to the extent that this had been done in Malabar; he considered that the Moplahs had a sufficient number of mosques already: and, in further sympathy with the Hindus, suggested that in future no Moplah should be allowed to erect a mosque, even on his own land, without the sanction of the magistrate, which was to be withheld if the site selected was in the propinquity of any Hindu temples or tenements. Dissenting entirely from these last two propositions, the Government of Sir H. Pottinger concurred generally in the Commissioner's views as to the repressive measures required, and, not possessing at that period any powers whatever of legislation, forwarded the Bills for the consideration of the Governor-General in Council, Calcutta. On the 28th October in the year following (1854), the assent of the Governor-General was given to two Acts, one prohibiting

the use of the formidable weapon carried by Moplahs in Malabar, under the name of *Ayudha katti* or war-knife, establishing a fine for possessing, buying, selling, or manufacturing such knife or similar weapon; secondly, empowering magistrates to cause search to be made for such weapons, etc. Under this Act thousands of this lethal knife were given up and destroyed. The second Act recites the commission of murderous outrages by the Moplahs, and authorises the Government of Madras to proclaim Malabar as under its provisions. The terms of the Act are similar to those suggested by the magistrate and the Commissioner in the foregoing summary. The Act had not been proclaimed, when Mr. Conolly, the magistrate, was suddenly attacked and killed by a party of Moplahs in September, 1855. On the occurrence of this terrible crime, a short Act was passed, reciting the belief of the Moplahs that the repressive Act of 1854 had operation prior to that event, and declaring the Act in force from the 1st March, 1855. It was originally intended that it should continue till the last day of 1859 only. At the end of that period it was continued for a further ten years. Finally, in 1869 it was enacted that it "shall remain in force until the Governor of Fort St. George in Council shall, by an Order in Council, declare otherwise." It is in force still, and it is to its provisions that the Minute of Lord Hobart relates. The grievance which led to the crime then before him arose from the bigotry of a Hindu landlord, who refused the Moplahs of the village a site for a mosque, and a place to bury their dead, and it was certain that similar bigotry had been and was continually displayed, whatever the terms offered by those who needed land for such purposes. While punishing the crime, Lord Hobart and his Council, one of whom—Mr., now Sir William, Robinson—was an old Malabar district officer, declined to ignore the intolerable injury that produced it. They therefore submitted for the

sanction of the Governor-General, Lord Northbrook, without whose previous sanction—if at least he considered the proposed legislation “to affect religious rites of any class”—the matter could not be taken into the consideration of the Madras Legislature (*vide* Indian Councils Act, 1861, Sect. 43), a Bill to secure for the Moplahs of Malabar sites for their mosques, and cemeteries for their dead. Its main provision consisted of the intervention of the district magistrate, who, if he found no reasonable objections, was to acquire the site applied for, together with means of access thereto, and assess the amount of compensation to be paid to the proprietor of the land. The permission of the magistrate was not required to sanction the appropriation of land to such purposes in all cases, such as when the field belonged to the Moplahs themselves, or they had the proprietor's leave to use it; and before giving his sanction in other cases, the magistrate was to satisfy himself that the proposed mosque or cemetery was a real necessity to the Moplahs of the vicinage, and at the same time to take into consideration the religious opinions, feelings, and habits of the neighbouring residents. An appeal from the magistrate's decision lay to the Governor in Council, whose orders in the matter were to be final and conclusive. Lastly, provision was made for the punishment of persons proceeding to build a mosque, or appropriate land for a cemetery, contrary to the terms of the proposed Act; and for restoring the land so occupied to its owner. Hitherto, the Moplahs of Malabar, having very little land of their own, and unable to induce their Hindu neighbours to sell them any for sites for mosques and cemeteries, were accustomed, in cases of extreme hardship, to occupy for such purposes portions of fields which they might be holding on rent or usufructuary mortgage from Hindus, announcing death as the penalty for any interference. It was the Commissioner of 1852 who first reported that this

was the normal state of things in the district ; nevertheless, besides declaring it inconsistent with equity to compel a Hindu proprietor to sell land for a mosque on Moplahs showing their need of one, he recommended, as we have already noted, that Moplahs should be prevented from occupying their own land with a mosque if the propinquity of Hindu temples or tenements raised serious and, according to the Hindu tenets, valid ground of objection against the construction of such a building.

The Governor-General's opinion was opposed to the policy of the Bill submitted for his approval by the Government of Madras, and he felt it his duty to exercise his power of withholding his sanction to its introduction into the local Legislative Council, suggesting further inquiry and other expedients. Lord Hobart was satisfied that no other expedient would serve the purpose, and in a letter to Lord Northbrook, dated 23rd January, 1875, writes : " I confess that it would be with extreme reluctance that I should remain here to be the instrument of a policy which, *in my view* of the case, is one of coercion without justice." Again, on the 10th February following : " May I suggest that, in the Malabar case, it seems right that the Government of a Presidency should be credited with such a knowledge of its affairs as that their deliberate statements in important matters of fact might fairly be accepted ?" His remonstrance, written immediately on the receipt of the disallowance of the Bill, will be found at the foot of the present Note.

Meanwhile, early in 1881, during the Government of the late Mr. Adam, another Commissioner was appointed for Malabar, for the purpose of inquiring into and reporting upon—(1) The general question of the tenure of land and of tenant right ; complaints having arisen that the tenants, called *Kánam-dárs*, holding immediately of the proprietor, and considered by our earliest officers as practically per-

manent tenants, are no longer regarded as such ; and that the interests of the actual cultivators demand serious attention. (2) The question of sites for Moplah mosques and burial-grounds. On the completion of his labours, which extended over a period of nearly two years, copies of his report were communicated to various experienced officers for their remarks. A committee was then assembled to draw up definite proposals for such legislation as it might consider to be required. The result has not been communicated to the public, but it is understood that the whole subject is now under the careful consideration of the Government of Madras.

“LORD HOBART TO LORD NORTHBROOK.

“*October 27th, 1874.*

“Your letter expressing an opinion adverse to our Malabar Religious Sites Bill has greatly disappointed me, because I should suppose that without your acquiescence there is very little chance that the measure will be adopted, and because I am certain that no measure could be more imperatively required by justice, humanity, and sound policy.

“The general principle upon which the Bill proceeds is this: The right of property in land is subject to the right of the State to interfere with it for any purpose of great and exceptional public importance; and if there be any purpose which is judged by the State to be sufficiently important, but for which it is probable that all or any of the proprietors of the land required will otherwise refuse to part with it either at all or on reasonable terms, the State may compel them to do so; and for this purpose legislation, setting aside in this respect the ordinary law, is necessary. Accordingly, Governments have in all countries exercised such interference as regards land required for

railways, and have passed laws enabling them to exercise it. And similarly, if there be any country in which the land is monopolised by one religious sect which refuses to give or endeavours to retain any part of it, so as to leave any other sect without land for the purposes of public worship or burial, the State has a right (if it thinks proper) to interfere if the object in view is of sufficient public importance; and a law will be necessary for giving effect to such interference. Not only burial, but public worship (looking especially to the condition and influence of religious feeling in this country) is certainly an object possessing the necessary amount of political value.

“In Malabar the Hindu monopolises every inch of ground (including waste), and the Moplahs are the excluded sect. But of course the same principle holds good for all religions; and if there were any district in which Christians, Brahmoos, or any other religionists, suffered a similar disability, there would be the same ground for legislation in their favour. But there is no such complaint, and therefore no reason to interfere, in any other district or in favour of any other religion. It would be no valid objection to the interposition of Government to obtain land for railways, that other public works might have to be favoured in the same manner; nor will there be any inconvenience in the precedent, for the tenure of land in Malabar, which is the cause of the present evil, is altogether exceptional.

“But you doubt the fact that the Moplahs of Malabar have a substantial grievance in respect of land for their mosques. Upon which I must observe in the first place that the ‘*a priori*’ probability that they would have such a grievance is extremely strong. When it is considered (1) that in that part of Malabar (*i.e.*, between the Calicut and Ponany rivers) to which these troubles are confined, the whole land, to the last fraction of an acre, is in the hands

of Hindu landlords ; (2) that in Malabar religious bigotry in both sects runs to an unusual and most deplorable height, it would be strange indeed if the sect which has the legal power to withhold its land from the other when desired for religious purposes should not wish to exercise that power. But we are not left to *a priori* probability. Mr. Robinson (who as you know is a member of this Government) passed the greater part of his time in those districts, is intimately acquainted with the habits and feelings of the people, and was concerned personally in repressing and investigating the causes of the outbreak in 1855.

“ Mr. MacGregor, the present collector, has passed many years in Malabar, has a thorough knowledge of its population, and has of late been employed in the most careful inquiry into the causes of the recent outrage. Nothing can be more decided than the opinion of these two authorities, that the Moplahs not only have a grievance in respect of sites for their mosques, but that it is this grievance which is in reality the chief instigator of the fanatical violence which has so often occurred. Against these valuable opinions there is nothing to set but the report of the Commissioner of 1852, Mr. Strange. And certainly, if Mr. Strange had given the most positive opinion that the mosque difficulty had nothing whatever to do with the outrages, his authority could not be balanced for a moment against that of Mr. Robinson and Mr. MacGregor. But Mr. Strange has given no such opinion. He failed to see (as a man not thoroughly acquainted with the people might easily fail to see) that the mosque difficulty was the real root of the evil ; but even he asserts that the Moplahs, though they erect mosques, do so ‘with difficulty,’ that is, in spite of opposition. Mr. Robinson (whom I have again consulted on the questions of fact noticed in your letter) writes to me :

“ ‘Mr. Strange was Registrar and Sub-judge of the Court of Tellicherry, and afterwards Judge of Calicut for a time ; but, as his papers show, never had anything to do with the administration of the country, and no real acquaintance, or at least sympathy, with its people. His experience of Moplahs on the bench led to his forming (naturally) a very unfavourable opinion of them (as law-breakers), but you will perceive that the administration officers of experience (Mr. Conolly, Mr. Collett, myself, Mr. MacGregor, and others) have not participated generally in these views, and they were rejected by the Government of Madras.’

“ But you notice, as against our view, that the Moplahs have built a considerable and increasing number of mosques. This is true ; but it does not at all conflict with our view of the case. As I endeavoured to show in my first Minute on the subject (which is with the papers before you) the actual evil is, not that the Moplahs do not build mosques, but that they do so under protest from Hindu landlords, who perpetually threaten them with legal ejectment, to which if they do not resort it is because they are afraid of violence. In some instances they have resorted to this, in all they hold the law *in terrorem* over the heads of the Moplahs. Hence a chronic animosity, of which no words can describe the force.

“ Mr. Robinson says : ‘ Nothing contributes so largely to keep alive religious hatred in its bitterest form as the uncertainty which now attaches everywhere to the tenure of land on which Moplahs have run up mosques and places of prayer, or buried their dead in defiance of the proprietor’s will and the law of the land. All over the Moplah *talugs* these bones of contention exist, and are constantly arising, which keeps the sects in a condition of dangerous excitement and antagonism.’

“ You further observe that not more than three out of the twenty-four outrages appear to have been directly or



indirectly caused by the disputes about mosques. To which I reply (not to mention the fact that it is in all cases very difficult to say what is the real cause of outrage, and the fact that the three cases to which you refer were among the most important), what we assert is, and what requires a remedy is, that the state of the law as regards the erection of mosques is the principal cause of a bitter religious animosity, which is perpetually venting itself in outrage. The incessant assertion (which is occasionally acted upon) by the Hindu landlords of their right to prevent the erection or to insist on the removal of mosques has infinitely intensified sectarian hatred; and such being the case, almost any grievance whatever may be the immediate occasion of violence. The mosque question is the tinder, the spark which lights it may be, and often is, something wholly unconnected with mosques. You will thus see that answers to the particular questions which you specify would be of little avail towards a right decision. The Moplahs do not formally complain, because they know that complaint would be useless; and a knowledge of their feelings on the subject is to be obtained, not by a record of their complaints, but by long observation and acquaintance with them.

“As regards the distances to which the dead have to be carried, Mr. Robinson writes: ‘It would be difficult to collect reports, but the real grievance here, too, is the uncertainty. The Moplahs cannot always get the fee-simple of land which they use for the purpose of burial in their own village: and the same contention and menace exists as that respecting the sites of mosques. The distance is, doubtless, a grievance in some cases; but suppose we found it to be unreasonable in a small minority of cases, the fact would not much affect the real matter at issue—the indisputable right of applying convenient plots to their purpose.’ As regards the districts most interested, he

says: 'The grievance exists throughout the country, but chiefly, of course, where the Moplahs are most numerous—that is, the district lying between the Calicut River and the Thuda River, which debouches at Penang—a district which contains perhaps 200,000 Moplahs or more.'

"You suggest that under the proposed law there might still be disputes and consequent ill-feeling between the Moplah and the Hindu, who might both be unreasonable. But the magistrate of the district, under the direct and careful supervision of the Government, will decide such disputes—that is, they will for the most part be decided equitably, and for any ill-feeling which may result from them the law at least will not be answerable.

"It is impossible to suppose that they would cause any bitterness to be compared with that occasioned by the rankling grievance under which the Moplahs now suffer; and for whatever amount of it they really caused the responsibility would not rest (as it rests in the present case) with the State. *Fiat justitia, ruat cælum.* But in this instance, fortunately, no such dire result will follow upon justice; on the contrary, the storm will be allayed and the sky cleared.

"You also suggest that difficulties may occur as regards existing mosques. But the Bill provides (as it ought to provide) for the retention of such mosques on their present sites, and so precludes any dispute respecting them, except such as will be decided by the magistrate, subject to the control of the Government.

"The position of the Government, if the proposed measure is negatived, will be a most painful one. We have inflicted (as in duty bound) the severest punishment upon all connected, however indirectly, with the outbreak; we have (besides killing the actual offenders) fined, imprisoned, and exiled to the utmost limit of reason; and we are to be debarred from applying, at the same time, a remedy to a

grievous and intolerable wrong, which (as I am convinced) has been the main agent in goading to acts of madness an otherwise peaceable and loyal population. We are to be debarred, too, from taking a course which I confidently believe will put an end, once for all, to these murderous outrages, which may be checked, but never have been, and never will be prevented by penal severity."

MINUTE NO. XVIII. — JUDICIAL DEPARTMENT.

*On the late Moplah Outrage in Malabar.*

Mr. MacGregor's full, able, and most interesting Report has placed this Government in a position to deal finally with the scandalous and deplorable transaction to which it relates. A more important duty, or one which demands more serious and anxious consideration, could scarcely devolve upon a Government.

What is required of us is—

First, to adopt or sanction such measures, penal or precautionary, as may appear best calculated to prevent the occurrence of similar outrages in the future. And, secondly, to consider whether there is not (as all analogy and precedent show there is likely to be) some evil incidental to the existing laws or customs of the country and which lies at the root of these outbursts of violence in an otherwise peaceable population; what is the nature of that evil; and what is its proper remedy. Hitherto, only one mode of prevention—only one kind of inference for administrative policy—seems to have occurred to

any one—penal legislation and coercive action. It has been forgotten that punishment and coercion are apt to fail as against a deep-seated sense of injustice in a whole community—and if it were not so, that it is not only the prevention of criminal violence that is required, but some endeavour to redress, for the good of the community itself, the grievances of which such violence is very commonly a sign.

I.—First, then, with reference to the measures of punishment and precaution which have been adopted or are suggested by Mr. MacGregor. The most important of these is the infliction of fines upon the Amshoms concerned. And in the first place, I would (as proposed by Mr. Robinson) exempt Elankolum altogether. In the next, I would approve of the fines proposed by Mr. MacGregor, except that I should be disposed to exempt all persons whose property is under one hundred Rupees. This (I am aware) would strike out of the list a large number of the poorer class of the population; but it would still leave a very large number of the poorer, and all the less indigent, class subject to very heavy penalties; and the object of punishment being by no means retribution but exclusively prevention, I am much inclined to think that this would suffice. There is no doubt that these outbreaks have often been instigated, and that every one of them could have been prevented, by those whose circumstances place them at the head of the community; and on the other hand, I very much doubt whether the poor and ignorant class whom I should propose to exempt

would ever really understand why they were fined; or whether, if they did, they would any the less approve and encourage in the future those who were bent upon these fanatical freaks. It must be remembered, too, that one of the most powerful deterrents from fanatical violence is physical well-being; and conversely, that the more you impoverish the more you incline to that lawlessness of which the religious variety is the most difficult to repress.

As regards the application of the proceeds of fines; I would consult the Commander-in-Chief respecting the amount to be awarded to the wounded soldier. To Chatara Nair, the Hindu Priest who was nearly murdered but is said to have made a "wonderful recovery" (though he cannot, it would appear, follow his usual avocations), I would give as little as possible. He "publicly insulted" (paragraph 24) the religion of the Moplahs; threatened to pull down their mosque; proclaimed that their mosque had caused a recent outbreak of small-pox; and on the whole conducted himself in a manner which ought to be (if it is not) actionable, and than which nothing could be better or more directly calculated to provoke a breach of the peace. I think Mr. MacGregor's proposal of Rupees 50 is the very most that should be given to him; but the cost of his cure in the dispensary might be paid. I would also (as suggested by Mr. MacGregor) apply some of the money to defences for the Variar's house.

I agree with Mr. Robinson that the persons named

in the margin of paragraph 38 of Mr. MacGregor's letter (including the survivor of the fanatics), and also Sheik Abdulla Baitan, should be sent away; and as to the mode in which this should be effected I would consult the Advocate-General.

The Adhigary should remain in confinement for a few years. If not an accomplice, he was certainly guilty of some kind of connivance—negative or positive. Perhaps the measures other than penal which will now I trust be taken by the Government will enable us to liberate him after a shorter imprisonment. I agree also that it would be desirable to dispose of the property of the exiled “Tangul,” so as no longer to give him any pretext for communication with any part of the country. I do not think that we ought to discontinue the employment of Moplahs in the public service. They will always sympathise more or less with their co-religionists; but it must be remembered that we also to a certain extent bring over to our side, and neutralise the influence for evil of able men, by engaging them in our service.

II.—The next, and the most important question, which we have to consider is—in what (if in any) feature of the social or political condition of the community which is subject to these intermittent attacks of criminality, is their cause to be found? Fortunately, Mr. MacGregor's Report, as well as common notoriety, furnishes us with a very sufficient and very explicit answer to this question. The root of the evil is religious animosity; that is to say, if

there had been no religious animosity, there would never have been any occurrences such as these with which we have now to deal. But, on the other hand, there is no reason why religious animosity, which is as bitter in other parts of the country and yet produces no such effects there, should produce these in Malabar. We must look then for an explanation to some co-operating incentive peculiar to that country ; and this cause is to be found in the system of land-tenure. Not only the last outbreak, but that which preceded it, and indeed to some considerable extent every important outbreak of the kind which has occurred, was distinctly occasioned by the fact that, the land being in the possession of those who belong to the rival religion, no landholder will allow (and by law he is entitled to forbid) a Muhammadan Mosque to be built on his land, whatever may be the terms offered by those who desire to build it. It is impossible to imagine a state of things more intolerable to a Muhammadan community, or more certain to evoke the deepest and bitterest feelings of fanatical resentment. In fact, the will of the landlord is often disregarded, and mosques are erected by the Moplah tenant, which immediately become the subject of the most violent altercation. The Hindu landlord threatens demolition ; the Moplah tenant threatens murderous revenge ; the Law Courts commonly support the landlord ; and the result is often a compromise, which does nothing to mitigate fanatical feeling on either side. In the present case it is perfectly clear that the mosque, which was on

the Variar's land, which he had long endeavoured to get rid of—and which one of the intended victims of the outrage had threatened to destroy—was the subject of the quarrel and of the criminal violence. It was a mosque, which against the will of the landlord the Moplahs had begun to erect in 1851, which led to the fanatical attack which occurred in that year (or soon after). Ever since then this same mosque has formed the subject of litigation and incessant dispute; and in 1854 the Moplahs were obliged to agree to proceed no further with its construction, and to bury no more within its precincts. The bitterness of Muhammadan feeling under the knowledge that they have no fitting place of worship, and (still worse) that they have no place near them in which they can bury their dead according to the rites of their religion, is such as words can hardly describe.

It is perfectly evident, that, unless the principles of political administration which are now very generally adopted are to be entirely set aside in favour of one particular sect of religionists, this state of things ought not to be allowed to continue. It is now admitted that the right of property in land carried to the extent of preventing the use of it, on fair terms offered to the owner, for purposes of imperative public utility and convenience, is an abuse and injustice. Even the most extreme advocates of territorial monopoly are compelled to admit that where the public interest is essentially concerned—as for instance for the construction of Railways or



works of sanitary importance—the right of the landowner must give way. And it is altogether inconsistent with the principles of even the most Conservative politician that the owners of land in Malabar should monopolise it to the extent of refusing to part with it on equitable terms to those of a different religion, and who require it for objects of which to deprive them is to paralyse their whole social and domestic life, and to engender feelings fatally injurious to the peace and welfare of the community to which they belong. I think, therefore, that it is incumbent upon us to lose no time in providing, as best we may, a remedy for this anomalous condition of land-tenure in Malabar. What is required is to give legal sanction to the maintenance and completion of mosques where they have already been erected, and for the future acquisition of property by Muhammadans for the purpose of erecting them—on terms which may be pronounced fair by the arbitration of some fitting authority. In what manner this may best be done, my knowledge of the laws and regulations relating to land in this Presidency, and of the customs of Malabar, does not enable me to say. The proper mode of proceeding seems to be that all the papers on the subject should be sent to the Advocate-General, with a request that he will advise us as to the best mode of effecting the object in view.

I should add that from what I have learned as to the general conditions of land-tenure in Malabar, there seems reason to think that it is such as cannot

be expected to promote either the productiveness of the soil, or the welfare, material and social, of the people, and that it may have a large share in the generation of the ill-feeling between the Moplah who is the tenant, and the Hindu who is the landlord. I think this is a subject which should receive early and careful consideration.

HOBART.

*9th March, 1874.*

MINUTE NO. XIX.—JUDICIAL DEPARTMENT.

I trust that this question will now be disposed of, so far as this Government is concerned, without any further delay. We cannot certainly be accused of want of “deliberation,” though we may be accused of want of expedition, when it is considered (1) that a majority of the Government were from the first agreed in principle as to the measures which should be taken; and (2) that while (as our duty required) we lost not a moment in inflicting upon the criminal Moplahs the extreme penalties of the law—a year has passed without any action having been taken to remedy the intolerable injustice which has driven the fanatics of Malabar into this and other similar crimes.

There are two modes of preventing the recurrence of popular violence, both of which are now usually adopted by civilised Governments. One is to punish such violence severely when it occurs:—the other is to remove any just ground of complaint by which it

may have been incited. The Government of Madras has hitherto adopted only the first of these expedients : and it must be confessed that they have done so with vigour. If the necessary slaughter of the actual offenders—if the exile and imprisonment of all known or suspected accomplices or instigators—if the exaction to the verge of ruin of fines from the indigent inhabitants of the surrounding district (most of whom are innocent)—are not measures of sufficient severity—no measures could well be so. What we are now proposing to do is to rectify the error of former administrations by putting in motion that other expedient prescribed by the rules of good government, and unaccompanied by which no policy of repression has ever in similar cases been known to succeed—the removal of the injustice which is admitted to have mainly led to these outrages. Our present task, and our only chance of radically curing the evil, is to redress the balance as between penal coercion and just concession ; and this is what will be effected by the Bill. What the Honourable Mr. Sim proposes is to maintain the balance at something like its existing inequality—*i.e.*, to defeat the object of the Bill—by increasing at the same time the severity of penal enactments. I trust that there is no possibility of acquiescence by a majority of the Government in any such proposal.

I do not, however, object to the provisions of Section 14 of the Draft Bill as proposed by the Honourable Mr. Robinson. Now that we are providing for the future possession by the Moplahs of

places of worship and burial in a regular and lawful manner, their construction in unsanctioned places and where public security would be endangered by it may properly be declared illegal and made subject to magisterial interference.

On the whole I approve of the Bill as altered by Mr. Robinson. But in the preamble I would omit the words for "the Moplah sect," and say "*in Malabar.*"

As regards Section 1, I agree with the Honourable Mr. Sim, that it should extend to all Malabar. I would call the Bill "*The Malabar Religious Sites Act.*"

As regards Section 2, I would substitute for "any Moplah or body of Moplahs," "any three or more persons." Any alteration necessary for consistency in this respect in the rest of the Bill should also be made. It is undesirable to bring the Moplah sect into more prominent notice than necessary, and to give, *pro tanto*, a sectarian character to the terms of the Bill. It is true that the Bill must under present circumstances necessarily be in practice—though it is not in any objectionable sense—sectarian; but there is no necessity for parading this fact before the world. The peculiar condition of land-tenure in Malabar affords a fair reason for confining the Bill to that district (though I should myself have preferred to generalise its ostensible scope); but there appears to be no reason for confining its operations in terms to one sect. There are not now—but there might be in future—other sects than that of the Moplahs in a

similar predicament: and in any case I do not see what practical objection there could be to a phraseology which would include all sects; while its advantages are sufficiently obvious.

I would now send the whole case to the Government of India and to the Secretary of State. I believe that the Regulations do not admit of our taking action until this has been done; and time is now of importance. The Bill, as it stands in Mr. Robinson's Draft, altered as I have suggested, will show very clearly what is the nature of the Act which we wish to pass; and any necessary alterations or additions will be matter of detail, which can be dealt with when the reply to our reference is received. It would appear that the Bill should be passed by the local legislature.

HOBART.

*23rd August, 1874.*

## ENGLISH TEACHING IN ELEMENTARY SCHOOLS.

IN a Note prefixed to a subsequent Minute some account will be given of the Elementary Schools in the Madras Presidency. In 1879, five years after the date of the two following Minutes, the Government of India laid down general regulations for elementary or primary education. In "Primary Schools" all pupils are included from the earliest stage up to the standard at which secondary education begins; this standard being marked by an examination to be called the "Upper Primary." There were to be two divisions of primary schools—(1) the lower division, containing pupils preparing for an examination to be styled the "Lower Primary;" and (2) the upper division, consisting of pupils who have passed this standard. For the *lower* primary examination candidates are required to read at sight, with facility, a moderately easy book in their vernacular language, to write to dictation from the same, and to work sums in the first four rules of arithmetic, simple and compound, including easy miscellaneous questions. This standard is usually passed at the end of the pupil's third year. To do so the pupil must obtain one-fourth of the maximum number of marks in each of the above heads, and one-third of the aggregate marks of the standard. For the *upper* primary examination, English is one of the optional subjects, but it forms one of the

school studies from the time the pupil enters the highest class of a lower primary school. In 1880-81 there were 360,643 primary pupils, about 36,000 of whom, or ten per cent., were learning English. The demand for English instruction in the south of India is so strong that the large attendance in primary schools is said to be due in no small measure to such instruction being attainable in these schools.

MINUTES NOS. XX. AND XXI.—FINANCIAL DEPARTMENT.

*English Teaching in Elementary Schools.*

I think it is most desirable, if it be possible without sacrificing more important objects, that a knowledge of English should be general among the people of this country. Accordingly in the application of the State funds which have been hitherto chiefly devoted to the higher and middle-class education the teaching of English has been treated as essential; and those of the higher and middle classes whom we educate will continue to have a fair knowledge of our language. The problem now before us is to educate the millions of the poorer class; and if ever this is to be done, an essential condition seems to be that we should do it as economically as we can, rejecting all that is not absolutely necessary to make the education which we propose to give really worth the bestowal. In other words, there is no objection to including English in our elementary education but great advantage in doing so, if we do not thereby so greatly increase the cost or impair the efficiency of

primary instruction by encumbering it with <sup>DERAE</sup>~~an~~ adjunct which, however desirable in itself, is not an essential ingredient in the main object in view—the cultivation up to a certain point of popular intelligence. For my own part, I feel unable to give a very positive opinion on this question, until I have further means of knowing how far popular education would be impeded by the inclusion of the English language, and what is the additional expense which it would entail.

HOBART.

*5th May, 1874.*

I have, in a recent Minute, expressed my views on the general question of English teaching in elementary schools. It is necessary to observe that if the Government should determine that, as a general rule, English should be taught in elementary schools (which is what I understand my honourable colleagues to propose), the Government will be directly reversing, a few months after it was issued, its own explicit declaration of policy; for in G.O. of 22nd December, 1873, it is stated that “the Governor in Council is opposed to allowing English to be taught in an elementary school.” A more unqualified statement of opinion on the subject can hardly be imagined; and for my own part, though I am not averse to full consideration and inquiry on the subject, I am not prepared to contradict this very recent decision, which I consider to have been based on extremely cogent reasons. If we are to teach the



children of the poorer classes in this country, not only their own language and arithmetic but a foreign language besides, we shall be teaching them more than it has ever been thought desirable to teach them in any other country ; and this at a great additional expense in a case where considerations of expense are of peculiar importance. It is generally admitted that “elementary education” should imply no more than that the pupil should be taught to read and write his own language, with the rudiments of arithmetical knowledge ; and that if more than this is attempted, “elementary education” will in all probability be a failure. If, for instance, in addition to these elements of knowledge, it was proposed in England to teach a foreign language to the children of the agricultural poor, the proposal would be received with derision, and (whether deserving derision or not) would be sure, if acted upon, to result in complete failure. Yet this is in effect what it is proposed to do in dealing with the children of agricultural labourers in this less-civilised country.

2. With reference to a remark of my honourable colleague (Mr. Sim), I may observe that I do not understand Mr. Powell to propose the exclusion of English as absolute and invariable, but as a general rule subject to proper exception ; and in this proposal I am very strongly inclined to agree with him.

HOBART.

*6th May, 1874.*

## TOLLING OF THROUGH TRAFFIC BY MUNICIPALITIES.

OCTROI duties and tolls are levied for municipal purposes in many parts of India. To avoid all complaint that these duties were the old "transit duties" revived under another name, the Government of Sir John Lawrence in 1868 directed that they "should be restricted to articles actually consumed in the towns, and not imposed on articles of general commerce, or suffered to interfere with the natural course of transit trade." If this principle was strictly acted upon, the Governor-General in Council was of opinion that there is nothing objectionable in this system of taxation for local purposes: especially as the general feeling of the people of India would be to prefer them to other forms of taxation. In the case of the Municipalities of Madras, the system is still more clearly unobjectionable; a very light fee being charged on every laden cart entering the town, without any investigation of the contents of the vehicle. Traders living in the town obtain annual licenses for their carts, and are free from the toll. It is intended that the toll shall be applied to keeping the roads of the town in good order, and those who pay it have often the advantage of putting up their carts and bullocks under commodious shelter near the market-place. Loop lines of road allowing cartmen to skirt the town where they have no occasion to enter it, are provided by every Municipality.

MINUTES NOS. XXII. AND XXIII.—FINANCIAL DEPARTMENT.

*Tolling of Through Traffic by Municipalities.*

The expenditure of this Municipality for 1873-74 was, in proportion to its population, very high—higher than that of the average of our Municipalities; and I do not think that it is necessary to take any measure for supplying the deficiency caused by the loss of the Profession-tax; more especially as the Municipality appears every year to have a large balance of income over expenditure (which cannot, I may remark, in future be allowed), and as the President states that the large reduction which has had to be made in “New Works,” leaves the amount expended on new works still quite sufficient.

2. For the reasons which I have stated in my note on the draft order, I consider that to this, as well as to all our Municipalities, the whole proceeds of Tolls should be given. I have not of course said (as the Hon. Mr. Sim appears to suppose) that Tolls and *Octroi* are identical. I have only said what is undoubtedly the fact, that Tolls are a variety of *Octroi*, since a tax which bears upon goods conveyed into a town, and a tax which bears upon the vehicles in which they are so conveyed, are in principle the same. Both are taxes upon the traffic in produce entering the town, and the difference is merely formal. My honourable colleague says that we cannot treat both as an *Octroi*, because tolls tax all produce, whereas an “*Octroi*” taxes only produce for consumption in

the town. I submit that, on the contrary, "*Octroi*" as applied in India taxes produce whether for consumption in the town or for consumption elsewhere; otherwise there would have been no necessity for discussing the question which has arisen, wherever *Octroi* has been imposed in India, as to the manner in which produce for consumption elsewhere should be exempted or relieved from taxation. Tolls, *i.e.*, a tax upon the vehicles carrying the produce, are the form which *Octroi* has taken in this Presidency; and as in the rest of India, so in this Presidency, there is unquestionable evidence that this form of taxation is the least unpopular and the most productive. I consider, therefore, that the Municipalities ought to retain the whole produce of their tolls, but that some expedient should in each case be devised for exempting through traffic. Where a loop-line cannot conveniently or consistently with the financial interests of the Municipality be adopted, there seems no reason why the plan devised for this purpose by Sir W. Muir (see paragraph 21 of his Report on the North-Western Provinces for March, 1873) should not be resorted to here. Under that arrangement, the proportion borne by the value of the produce entering the town and re-exported, to the value of the produce entering the town for consumption, is ascertained; and the tax upon produce generally reduced in that proportion. There can be no difficulty in adapting to our own system of tolls the principle of this arrangement.

HOBART.

12th May, 1874.

The most important of the sources from which our Municipalities derive their revenue is that of "Tolls."\* These are in effect Customs duties (for the fact that they are levied on the vehicle instead of on the goods is not material) imposed upon articles entering the town. In thirteen of our Municipalities more than fifty per cent. of the revenue is derived from this source; in all a very large part of the revenue. To abolish "Tolls," as proposed by the Hon. Mr. Robinson, would be to deprive the Municipalities of funds on which they mainly depend for subsistence and success. It would also be to deprive them of a resource for which no effectual substitute could be devised without creating a feeling of discontent and disaffection in the payers of Municipal taxes and which might (I believe) even go so far as to be fatal to the existence of such institutions. There is (speaking broadly) but one substitute for "Tolls,"—direct taxation; and direct taxation increased by fifty per cent. throughout our Municipalities would be a burden so intolerable as to be absolutely out of the question. The proposition is as unpractical, in kind though not in degree, as would be the proposition to abolish Customs and Excise duties in England, and levy the whole seventy millions of national income upon property. In all countries and places it has been found necessary to depend for a very large proportion of the

\* The total produce of Municipal tolls for 1874–75 was Rupees 3,12,052.

The only tax which yielded an amount in any degree approaching to this was the house-rate, which produced Rupees 3,05,440

public revenue upon indirect taxation; and the objection that such taxation falls upon the poor and upon trade, while direct taxation falls upon the rich and upon property, never has been and in all probability never will be successfully advanced. The simple answer to it is that without a widely-spread indirect taxation means could not be provided for carrying on the government; and that by the absence of means for carrying on the government the poor and the trading classes would be the first sufferers. "Tolls" are the form which such indirect taxation has taken in the Municipalities of this Presidency, and they differ only in name from the "Octroi" in Upper India.

2. But, further, experience and the general assent of Municipalities have shown that of all municipal taxes a tax in this form is the least vexatious, the least unpopular, and the most easily raised. Even supposing, therefore, that it would be possible to increase one or more of the direct taxes so as to produce the same revenue without producing at the same time intolerable discontent, the result would simply be that we should have substituted an unpopular and vexatious impost for one comparatively approved and acquiesced in by the already somewhat over-burdened subjects of our local taxation.

3. I can, therefore, hardly imagine a measure less desirable than the abolition of "Tolls," or any course more expedient than their maintenance and encouragement as a source of municipal income. The single objection to "Tolls" is the taxation which they imply,

in some towns, of a large amount of "through traffic." But this objection has been met satisfactorily in the North-West Provinces, and there is every reason to suppose that it can be met satisfactorily here, notwithstanding that "loop-lines" would appear to be an expedient which is only applicable in some instances.

4. The remedy indicated by Sir W. Muir (as explained in paragraph 21 of his report for 1872) has been adopted in many—I believe in most—of the Municipalities in the North-West.\* With the conditions which he attaches to it, it seems as equitable as it has been successful; and I would call the attention of the Board of Revenue to the arrangements which have been made for the purpose of overcoming the difficulty in the North-West, and request them to detail a plan for applying to the Municipalities of this Presidency the principles adopted by Sir W. Muir. As regards those towns to which the arrangement explained in paragraph 21 of his report was not applicable, Sir W. Muir has prescribed "an effectual system of refunds," and there can surely be no reason why some such measure should not take effect in such of our own Municipalities as are similarly situated. There would be two classes of Municipalities to provide for, viz., (1), those which have no considerable through traffic; and (2), those in which there is a considerable amount of such traffic. As regards the first, I would without hesitation allow them to retain the whole proceeds of their tolls. As regards the second, I would also give them the whole proceeds of their

\* *Vide* preceding Minute.

tolls, subject to such arrangements as may appear, on the report of the Board of Revenue taking for its guide the general principles which have been acted upon by Sir W. Muir, to be most desirable for the purpose of preventing the incidence of any undue amount of taxation upon transit trade.

HOBART.

*24th October, 1874.*



## POSITION OF MILITARY OFFICERS DISQUALIFIED FOR POLICE SERVICE.

THE question was ultimately settled on the footing advocated in this Minute. The average size of a Madras district is between five and six thousand square miles, with two police officers of the administrative grade, viz., a superintendent, and his assistant. When the new Madras police force was organised, twenty-five years ago, the Government were able to spare officers of the Army to occupy these posts. The duties are rightly described by Lord Hobart as harassing, and subject to constant hardship and exposure, far beyond the ordinary lot of a regimental officer.

MINUTE NO. XXIV.—JUDICIAL DEPARTMENT.

*Position of Military Officers disqualified for further active service in the Police.*

It must be obvious that the employment to some considerable extent of Military Officers in the Police service—supposing that Military Officers can well be spared for the purpose—must be productive of advantage to both services. The qualifications required for Officers of the Police service are such as Military

Officers, from the very nature of their profession, possess in a peculiar degree : while their active and responsible service in the Police Force gives to their military service a value much of the same kind as that given by constant campaigning.

2. It would seem, therefore, that a free and frequent interchange of officers as between the two services is most desirable : and that anything which tends to prevent Military Officers from entering the one and returning to the other is *pro tanto* objectionable. And that such must be the effect of the order which has been passed by the Secretary of State, having for its effect to prevent the return to the military service of an officer by whom the (in general) much more arduous and physically exhausting duties of the Police service can no longer be efficiently performed, is unquestionable. If the order is strictly acted upon, Military Officers will (as I should imagine) scarcely ever desire to enter the Police Force.

3. On the other hand, it is not desirable that an officer whose health is so broken by service in the Police that he is unfit for military duty should return to that duty : and, if it were really the fact that unfitness for Police duty always means unfitness for military duty, the objection to permitting such re-exchanges would outweigh the advantage to which I have referred of the free interchange. Surely, however, the truth must be that in some cases the unfitness for the one service means also unfitness for the other,—in other cases it means no such thing. There are surely many and important duties devolving upon

Military Officers which might be fitly performed by an officer who was incapacitated for the constant hardship, exposure, and harassing night work of the Police.

4. The solution, then, of the difficulty seems to be that officers incapacitated for Police service should be allowed to return to military duty—there to be dealt with, as regards fitness for such duty, under the rules of the military service. Their unfitness for Police duty would, no doubt, be treated by the Commander-in-Chief as *prima facie* ground of observation or inquiry in regard to their claims to remain on the effective list of the Army: and the question would be decided by the authority best qualified to decide it.

5. This solution, which seems the most conducive to the interests of the public service, seems also the most consistent with justice to the officers themselves. Given the state of health of an officer,—with what justice can he be debarred from service in the Army on any other ground than that, after medical inquiry and report, he is unfit for service in it? For medical inquiry and report the order now under consideration would substitute incapacity for service in the Police: and the officer may very fairly complain that he is thus placed in a position different and less favourable to him than that of his brother-officers.

6. I certainly think it advisable that we should, in reference to Colonel Swanston's representations, bring the general question again under the consideration of the proper authorities.

HOBART.

12th June, 1874.

## FOREST RIGHTS.

At the date of Lord Hobart's Minute the Forest Department of Madras had existed some sixteen years, but it was not till 1882 that an Act, long required in the best interests of a vast agricultural population, was passed to make provision for the protection and management of the forests of the Presidency. *First*, it empowers the Government to constitute any land at its disposal—*i.e.*, any unoccupied land—a Reserved forest; *secondly*, subject to all rights now legally invested in individuals and communities, to regulate the use of the pasturage, or of the natural produce of the soil of land at the disposal of Government, but not included in a Reserved forest; *thirdly*, in certain cases, to regulate or prohibit in any forest or waste land not at its disposal (*a*), the clearing the land for cultivation; (*b*), the pasturing of cattle; (*c*), the firing or clearing of the vegetation—*viz.*, when the same appears to be necessary for protection against floods, for the prevention of landslips, for the maintenance of water supply in springs, rivers, and tanks; for the protection of roads and other lines of communication; or for the preservation of the public health. In the first case—*i.e.*, the constitution of any unoccupied land as a Reserved forest—any person whose claims to a right of way, a right of water, a right of pasture, or a right to forest produce, the Forest Settlement officer does not admit, or admitting does not settle to the satisfaction of the claimant, may appeal to the Forest Court of the district, which is to consist of the judge, the collector, and a non-official member. The order passed by the Court, or by the majority of the

members, is to be final, provided that it shall be the duty of the Forest Court to refer certain questions for the opinion of the High Court, whose judgment on the reference shall be binding and conclusive.

In the year following the promulgation of the foregoing Act, 2,000 square miles of Reserved forest were already demarcated. In these reserves the practice of "kumari"—adverted to in the following Minute—is strictly prohibited; in the second class, the protected lands, the adjoining villages will retain their existing rights only. To the wilder districts of the Presidency, the hills of the northern district, the Act has not been made applicable; and there are yet many other tracts where to prohibit the practice would be to prohibit cultivation altogether.

MINUTE NO. XXV.—REVENUE DEPARTMENT.

MINUTE BY HIS EXCELLENCY THE GOVERNOR.

Definite instructions in regard to their Proceedings of 21st March, 1871, which must now be given, will enable the Board of Revenue to decide for themselves the different questions on this subject which have recently arisen.

2. I think it is quite evident that a reluctance on the part of the officers of Government to acquiesce in the traditional and prescriptive rights of the people has led in this case to gradual and unjustifiable encroachments on those rights, and of which an end should now be made. Much may be said on either side of the question respecting the abstract right of Government to property in the waste and forest tracts of the country; but, as a matter of fact, the Government has fortunately shown itself disposed in general

to follow the dictates of wisdom and equity by scrupulously respecting the rights and privileges of which the people were found to be in possession when the administration of the country passed into our hands.

First, then, as regards “kumari,”\* the claim of the occupiers should be admitted, and the attempt to enforce Mr. Webster’s Rules abandoned.

Secondly, as regards “kumaki,”† we should admit the right of the occupiers to property in the forest land adjoining his holding, as far as the summits of the hills which overlook it, excepting “Teak” and “Poon” timber (which seem always to have been excepted, but which the “wargdar,” or proprietor, should be allowed to fell on payment of seigniorage).

Thirdly, as regards forest conservancy, it should be limited entirely to forest lands which are “reserved” by Government, or may be universally admitted to belong to it; and none should be “reserved,” of which the reservation can in any way conflict with any accustomed privilege of the people, or with any popular claims for which anything like a *primâ facie* or plausible case can be shown.

(Signed) HOBART.

17th July, 1874.

\* Cultivation of high and wooded lands, after clearing them by fire.

† Literally, aiding or assisting, because the cultivator got from this land the materials of his buildings and implements of husbandry, and also the manure of his fields; for, as cattle and sheep are few in this part of the country (the western coast), the manure is principally composed of shrubs, leaves, and branches of trees.—*Ed.*

## NATIVE RELIGIOUS ENDOWMENTS.

THE strongly religious character of the Hindus, and the striking forms in which their religion everywhere presents itself, are very graphically described by Mountstuart Elphinstone:

“Every town has temples of all descriptions, from a shrine which barely holds the idol, to a pagoda with lofty towers and spacious courts and colonnades. To all these votaries are constantly repairing, to hang the image with garlands, and to present it with fruits and flowers. The banks of the river or artificial sheet of water (for there is no town which is not built on either one or the other) have often noble flights of steps leading down to the water, which are covered in the early part of the day with persons performing their ablutions, and going through their devotions as they stand in the stream. In the day, the attention is drawn by the song, or by the graceful figures and flowing drapery, of women as they bear their offerings to a temple.

“Parties of Brahmans and others pass on similar occasions; and frequently numerous processions move on, with drums and music, to perform the ceremony of some particular holiday. They carry with them images, borne aloft on stages, representations of temples, chariots, and other objects, which, though of cheap and flimsy materials, are made with skill and taste, and present a gay and glittering appearance.

“At a distance from towns, temples are always found in

inhabited places, and frequently rise among the trees on the banks of rivers, in the heart of deep groves, or on the summit of hills. Even in the wildest forests, a stone, covered with vermilion, with a garland hung on a tree above, or a small flag fastened among the branches, apprises the travellers of the sanctity of the spot.

“Troops of pilgrims and religious mendicants are often met on the road; the latter distinguished by the dress of their order, and the pilgrims by some symbol of the god to whose shrine they are going, and shouting out his name or watchword whenever they meet with other passengers. The numerous festivals throughout the year are celebrated by the Native princes with great pomp and expense; they afford occasions of display to the rich and lead to some little show and festivity even among the lower orders. But the frequent meetings on days sacred to particular gods are chiefly intended for the latter class, who crowd to them with delight even from distant quarters.”

In ancient times their temples were generally supported by the liberal endowments of the ruling dynasty—the land revenues of one or more villages; but it is in the Presidency of Madras only that these endowments—there valued as producing an income considerably over half-a-million sterling—have escaped the general spoliation of the Muhammadans. Owing to the nature of the endowments appeals were constantly made to the officers of the British Government for the settlement of disputes between landlord and tenant; then of those between rival sections of temple-wardens, and in other cases. In 1817 the general superintendence of Pagoda affairs was placed by law (Regulation VII. of that year) in the hands of the Board of Revenue, with Collectors of districts as the Board's local agents. In 1844 this connection was severed in obedience to orders from England; but no attempt was made to provide any other superintendence till 1863. This neglect was



bitterly resented by the Hindus of Southern India ; the present writer well remembers that nineteen out of every twenty petitions which were received by Sir Charles Trevelyan in his tours in 1859-60 were filled with complaints on this subject. When the Act of 1863 came, it classed endowments into those in which the Government officials used to appoint the Managers, and those in which there had been no such practice. In the first case, Local Committees, with the powers of Government officials under the old system, were to be appointed ; in the second, no official control was supplied : any worshipper might proceed against the local wardens in the ordinary Courts, for malfeasance or misfeasance, as the case might be. The Committees once constituted, vacancies were to be supplied by election, in default by the District Court. Now, certain minor defects in the Acts excepted, it never has been denied by the educated Hindus—however the masses may remain dissatisfied with anything short of the re-establishment of a direct control by officers of the Government—that the settlement of 1863 is abstractedly an excellent substitute for that suspended in 1844 ; and if such men could have been induced to serve on the Local Committees, they would have been as powerful as were our English officials with the Trustees and Managers, and the question of further legislation would never have been raised. But they commonly decline to give their services ; one of them very frankly ascribing this reluctance to “the advancement of secular education and the decadence of religion.” The gods of the Hindu Pantheon have still, however, millions of devoted adherents, and his Council agreeing with Lord Hobart that some remedy should be devised for the better protection of endowments from the misappropriation and mismanagement which often existed, and which no person, no section of the community, was public-spirited enough to expose and bring to justice—a Committee of Hindu gentlemen,

with two European assessors, was appointed to report on the best means of securing the end desired.

After much inquiry and discussion, terminating in 1878 the Committee submitted the draft of a Bill adapting the law of England as applied to Charitable Trusts to Hindu Religious Trusts and Institutions. The Board of Commissioners, its Secretary, its Inspectors, were to be selected by Government: "no other plan will secure and maintain such a controlling body as will command the continual respect and confidence of the public." Every religious institution in the country, great or small, was to be brought under the Board, which, besides Hindus, was to include one Englishman, a barrister of experience; all members to receive a liberal salary, to be levied by a percentage on the income of the endowments. The Board were to be the authoritative advisers of the hereditary and customary Trustees, to frame schemes of administration, to audit accounts, and to be referees in all cases of sectarian differences. Further, to serve under the control of the Board, was to be a body of official Trustees, not only to take charge of neglected shrines, but to replace such local Trustees as the Board might find it desirable, for good and sufficient reasons, to remove, the persons so removed having always their remedy against the Board in a Court of law.

In transmitting the Bill for the consideration of higher authority, the Duke of Buckingham and a majority of his Council declared themselves averse to the proposal for official Trustees, as discouraging local management and leading to an odious centralisation. The powers vested in the Board they also disapproved, as too onerous to be effectually performed; they would limit the authority of the Board to matters of registration and audit, with control over local Trustees in certain grave matters only. "It will no doubt be observed," His Grace remarked, "that the portions I object to are very much on the model of the

Charitable Endowments Act in England; but the circumstances of the two countries are different. The laws on these matters in England are the result of long experience and of the concurrence of the gradually matured opinions of the people through their representatives in the House of Commons, many of whom are Trustees, or are otherwise concerned in the management. Besides in England, owing to the quickness of communication, a central authority, unlike one in India, can promptly dispose of details. Lastly, there is the moral control over the English Board by the power of an appeal to Parliament, and this has proved to be a very practical and effective control." The Bill, which was put by for some years, is now again under consideration in India. A suggestion has been received from one quarter that, unless an *imperium in imperio* is desired, no Central Board whatever should be established with authority over every religious institution (many of them very richly endowed) in a Presidency larger than the British Isles. Apart from this political objection, it may be urged that the interests of the people would be better served by District Boards, not only because they would be readily accessible, but because of the greater sympathy the members would have with provincial customs, feelings, and superstitions, if it is thought proper to bestow ampler powers on the Boards than those of financial superintendence—the wisdom of which is doubted by many persons of experience, who would leave all the rest to the judicial tribunals.

MINUTE NO. XXVI.—NATIVE RELIGIOUS ENDOWMENTS.

In the year 1817 the Imperial Government—recognising the right of the people of India to look to their European Rulers for the watchful care and protection of that (as they esteemed it) most precious

of all possessions, their religious faith—deliberately and expressly assumed, through its Executive Officers throughout the country, the administrative control of religious endowments. So close and direct was the superintendence thus exercised that, to use the words of one of the Native officials who have been consulted on this subject, the Revenue Officers were in this Presidency looked upon as “Trustees” for such endowments. They certainly managed and administered them in the fullest sense of the terms—in such a sense as that there was no danger whatever of any serious misappropriation of religious funds. Pagodas, Mosques, and Temples, with their mysterious sanctities and venerated rites, and all that these involve of influence upon the mental condition of the people, preserved their ancient splendour: charitable funds, of which the endowments in great part consisted, were maintained inviolate; and (as it is expressed in another of the communications on the subject which we have received from natives) “the people were content.”

2. Some thirty years ago the Imperial Government, yielding to opinions emphatically expressed, if not generally entertained in England, abandoned the principle which it had thus adopted, so far as all direct connection of its officers with the preservation and application of religious endowments was concerned. But it was felt that to abandon at the same time all legislative or administrative care for them would be to strike a blow at the welfare of the people of India, and above all at their loyalty to their present

rulers, such as was altogether out of the question. It was determined, therefore, while putting an end to the *quasi*-trusteeship of English officials in respect of these endowments, to frame some measure which should prevent their being left entirely to themselves. The result—after many years of indecision and delay—was the Act of 1863. And it is important to bear in mind that the policy of this Act—that policy which we are now cautioned against contravening—was that of Government interference in so far as was necessary to provide for the efficient administration of Native endowments not by European officials but by the natives themselves. Accordingly the Act provided for the appointment (in cases where Government had nominated the Trustees) by Government of Committees in every district or division, who were to take over all religious property and discharge the functions hitherto devolving upon the Board of Revenue with regard to it. Vacancies were to be filled by election, and in default by the Civil Courts. In cases where Trustees were not appointed by Government, the property was to be handed over to existing Trustees; and vacancies in case of disputed succession were to be filled, on application, by the Civil Courts. A suit might be brought in a Civil Court by any person interested against any Member of a Committee or any Trustee for neglect of duty in respect of their Trusts.

3. This Act, considered as a protection for religious endowments, has proved by universal admis-

sion a signal failure. The chief defects attributed to it (which indeed are obvious enough) are these :

(1.) Want of effectual legal provision for compelling Trustees to perform their duty. The "person interested," deterred partly by the expense and delay of litigation, partly by want of sufficient interest, partly (as it would seem) by dislike to try religious questions in a Christian Court, probably also in part by ignorance and misapprehension—never appears : and Committees and Trustees appropriate the funds absolutely at their own pleasure.

(2.) The powers and duties of Committees are insufficiently defined. The Act describes them vaguely as those which formerly belonged to the Board of Revenue.

(3.) No effectual provision for supplying vacancies. As regards Committees, these are to be supplied by election, and in default by the Civil Court. But no election ever takes place, and no notice of a vacancy is ever given to the Court.

(4.) Committees and Trustees are unpaid and without any strong interest in the creditable performance of their duties.

(5.) The Act makes over one large class of institutions to Trustees uncontrolled by any super-vising agency whatever.

4. A measure with these defects could not be expected to succeed. As a matter of fact, Committees and Trustees, having received from the hands of Government the vast wealth which it had until

then jealously guarded, have dealt with it just as they pleased ; that is, in the manner in which uneducated or half-educated persons entrusted with funds of which they are not obliged to give any account at all, usually deal with them. The Board of Revenue (which has every opportunity of ascertaining the facts, and with full information on the subject from all the more important of the fiscal and judicial officers of the Government before it) expresses itself as follows : "It is beyond the possibility of doubt that if Hindu religious endowments are to be protected from wholesale misappropriation, and in many cases ultimate extinction for the benefit of a class of persons who make the worst possible use of the money, wasting it in profligate expenditure, the existing law must be altered." Upon this point there can be no question. The condition of religious endowments in this Presidency has in the ten years succeeding the Act of 1863 become such as to be a subject of extreme regret and anxiety for all who recognise the extent to which the moral welfare of a people is bound up with their religion, who feel that the stability of an alien rule depends, more than upon anything else, upon the relation in which it stands to their deepest feelings and most revered traditions ; who reflect that this decadence of all that is most dear to the people of Southern India has taken place, after long years of Government free from any such reproach, under British dominion.

5. The Hon. Mr. Ramiengar recently introduced a Bill, of which the object was to remedy these de-

fects in the Act of 1863. His remedies are as follow :—

(1.) For the first defect above mentioned.—Power to Committees to prosecute Trustees criminally for fraud and exemption of suits from legal charges.

(2.) For the second.—Definition of the duties of the Committee which he defines as chiefly those of auditing accounts.

(3.) For the third.—Appointments to vacancies by Civil Courts directly, instead of by election in the first instance.

(4.) For the fourth.—Payment of Committees and Trustees.

(5.) For the fifth.—A different classification of institutions, so that all may come under the control of Committees.

6. It is evident that such a measure should contribute but little to improve the condition of affairs. The Committees would still be irresponsible—free from all control except such as might be afforded by the “interested person” whom it is plain that the mere exemption from fees would have but small effect in stimulating to action. The moderate remuneration of Committees and Trustees would do something, but nothing effectual, to counterbalance a greed which has hitherto brought them wealth. To define the duty of a Committee as that of carefully auditing accounts would neither oblige them to fulfil it, nor (if it did so) provide for the due administration of the funds; and the new classification



of institutions would only extend a control which has hitherto been found ineffectual.

7. It is evident that some far more vigorous remedy is required. We cannot (if we would)—for we are told to respect the principle of the Act of 1863—go back to the system in force under the Regulation of 1817. But between the present system, which is in effect to leave religious endowments to take care of themselves, and an infringement of the principle of 1863, there is an interval of enormous breadth. We might immensely strengthen the indirect connection (which is now almost non-existent) of Government with these institutions without in any way approaching the territory fenced off by the Act of 1863. What the circumstances of the case require seems to be the constitution of some central—not European but Native—authority, well paid for its services and distinctly comprehending its duties, carefully chosen in the first instance by Government from the best materials that can be selected, with effectual provision for supplying vacancies, and subject to the general supervision and (in the last resort) direction of Government; and (2) the creation of native local agencies, appointed with the sanction of Government and paid by the central authority. These objects are provided for in the Bill of the Advocate-General; and, considered as the mere outline of a Bill to be introduced in the Local Legislature, I think it is one which we might submit, with some alterations, to the Government of India for the purpose of indicating the nature of the

legislation which we propose. The changes which I would suggest are—

(1.) That if the Central Board neglects for three months to fill up a vacancy in it, the Government may do so. I would also give power to the Government to dismiss any Member of the Board for misconduct or inefficiency.

(2.) That vacancies in the Committee of Trustees should be filled up, not by election (as proposed in the Advocate-General's outline), but by nomination of the Government, who would of course consult the Central Board. Nothing is more certain, as experience has proved, than that election (to which the people are wholly unused) would seldom if ever be resorted to; and the consequence would be delay in reappointment until the matter was brought to the notice of Government, which might be for an indefinite time.

(3.) That the operation of the Act should be confined to institutions such as were protected under the Regulation of 1817.

8. It does not appear to me that (except as regards elections) the objections of the Board of Revenue (paragraph 20) to the measure proposed by the Advocate-General are valid. As to the "Constitution of Committees," the objection adverted to by the Board in connection with Hon. Mr. Ramien-gar's Bill does not apply to the Bill of the Advocate-General. And it cannot (I think) be doubted that the strongest case is established, notwithstanding

some differences of opinion, in the papers before us for the payment of Committees and Trustees. The "Classification of Endowments" appears to me to be reasonable and simple; and the objection of the Board, that it includes institutions formerly unprotected by Government, will be met by the third change which I have proposed. As regards "Radical change in the existing policy of Government," there is (as I have endeavoured to show) none at all in the Bill. The existing policy of the Government—that is, of the Act of 1863—so far from being a policy of non-interference, is one of indirect but effectual interference. And to pass an Act under which the interference of Government, while it would still be indirect would also be made effectual, would not be to counter-act, but to fulfil, the policy of 1863. Provision should be added to the Bill for the protection of Religious Service Inams.

9. As regards Muhammadan Endowments, they should be dealt with in the same Bill, and on the same principle; but separate institutions, central and local, will probably be necessary. I would, however, consult some of the leading Muhammadans in the Presidency, with a view to ascertain as to how far they consider that the proposed legislation is applicable to Muhammadan Endowments, and what changes in or additions to it they would recommend for this purpose.

10. We might, however (as I presume), at once submit our scheme for the approval of the Government of India, leaving this question for later decision.

There can be no doubt as to the principle on which the measure must in this respect be framed.

11. The Board proposes that a "Registration of Endowments by Officers of the Government armed with powers by Legislative Enactment" should be instituted. It is (I think) most undesirable that this proposal should be adopted. First, because such a registration is needless; second, because its probable effect would be to create indefinite delay; third, because it would produce upon the public mind a much stronger impression of actual and intended interference by Government than is contemplated in the Bill; and fourth, because in the Bill as sketched by the Advocate-General there are provisions which will have all the effect of registration.

12. Entrusted as we are with the care of an important division of the Empire whose population is deeply and exceptionally interested in this question, I think that it is incumbent upon us at once to submit our views and proposals respecting it to the Government of India and to the Secretary of State, with a strong and urgent representation that the time has come when some sufficient remedy should be applied to a rapidly increasing evil which has already gone far to effect the financial ruin of religion in Southern India.

HOBART.

19th September, 1874.

## ELECTION BY RATEPAYERS, ETC.

SECTION 9 of Madras Act III. of 1871 (Municipalities) authorised the Government to extend to any Municipality the power of electing its own Commissioners; where not elected they were to be appointed by Government, with the proviso that the number of officials must not exceed the number of non-officials in any Municipality. The practice, however, was to appoint considerably more than one-half of each Board from among the non-official community. Though the non-officials have been thus in a position to outvote the officials in regard to any question on which their opinions might be in conflict, the reports show that amidst numerous strong differences of opinion between the members of the Boards, especially in regard to questions of taxation, the division of the parties has very rarely been coincident with that of officials and non-officials. The Government of Lord Hobart, however, in consequence of the following Minute, resolved to give some effect to this provision of the Act. Ten of the largest towns, containing an average population of 50,000, were empowered to elect one-half of their Commissioners. The elections did not always manifest that the privilege is, so far, valued by the people. Their unfamiliarity with the system, and the disinclination of the respectable classes to offer themselves as candidates at the risk of possible rejection, are counted amongst the reasons for failure; but although the privilege

may have been sometimes abused and sometimes neglected, there is no reason on the whole to complain of the working of representative institutions in the Municipalities of Madras.

Accordingly, when in 1881-82 the Government of India, desiring the further development of Local Self-Government, proposed that the elective principle should be the rule, not the exception, in the larger towns and more advanced rural districts, the Government of Madras declared its readiness to accept the suggestion, on the understanding that it would still remain the duty of the Chief Officer of each district to act as the adviser and guide of all these organisations—which it would be in the highest degree unreasonable to emancipate from all control, though their leading-strings were removed—and to report for the orders of Government every case in which he may consider that the action of any of them is likely to lead to seriously injurious effects. “There can be no doubt,” it was added, “that as the prosperity and intelligence of the country increase, demands will be made upon the administration which it will be impossible to supply through direct official agency, and it will be more and more necessary to relieve the highly-paid and elaborately-trained European superintendents of work which can be, if not at first as well, at least very tolerably done by less trained, and often unpaid ability. His Excellency the Governor in Council finds in this consideration a strong argument in favour of the views of the Government of India, altogether apart from the duty of advancing the political education of the people, a duty to which he is far from omitting to attach importance.” It was chiefly on this last ground, viz., as an instrument of political and popular education, that the extension of Local Self-Government was propounded by the Viceroy. In this view of the probable effect of such a measure, Lord Ripon was, it will be seen, anticipated by Lord Hobart.

## MINUTE NO. XXVII.—FINANCIAL DEPARTMENT.

*Election by Ratepayers of Municipal Commissioners.*

The question here before us is a very important one. The creation of Municipalities was (there can be no doubt) intended by its authors as a step towards local self-government; but in its present form Municipal government is a very short step indeed in that direction. The population of a Municipality does not in any sense govern itself except that some of its leading men, nominated by Government, are placed upon the Board. The government of a Municipality is in fact an oligarchy dependent upon a superior power, which may, directly or indirectly, control its action to almost any conceivable extent.

2. The most important step towards real self-government in large towns would be that now proposed—the choice of Native Members of Municipalities by popular election. And there can be no question but that if in any Municipality a sufficiently numerous constituency could be created which would be likely to elect men with any fair degree of capacity for government this step ought to be taken. There is no excuse for withholding from the people any degree of liberty, except that they are likely to use it to the serious prejudice of the public security and welfare. It is not sufficient to say that the men elected by popular suffrage will not be better, or even that they will not be as good, as those now chosen by the Government. It is desirable that the power of elect-

ing their own rulers should be given to the people, irrespectively of the question whether the rulers they elect will be as good as or better than those chosen for them. Such a power is in itself an advantage of the greatest value, apart from all consideration of the degree in which it contributes or is prejudicial to good government. It is valuable chiefly because it gives an interest in public affairs to the many who would otherwise have none—because it gives elevation and self-respect to the character, cultivation and enlargement to the mind.

3. This being considered, it will be seen that the principal objections which have been raised to the measure are of less importance than might at first sight appear. One of these objections is that the inhabitants of Municipalities have no public spirit. But this is one of the strongest reasons for giving them the elective franchise, which is the best expedient for supplying the want. And it may be remarked that besides supplying this want the measure would not improbably go further, and diminish or put an end to one great subject of complaint as regards our Municipalities—that their Native Members take no part and no interest in the management of them. It seems quite possible that men charged by their fellow-citizens with an important trust and no longer dependent upon the Government—the will of whose officials they dare not now dispute—will be much more inclined than they are at present to take their share in the conduct of local affairs. Another objection which has been insisted upon is that the voters



will elect members who will endeavour to reduce taxation. But that taxpayers should not be taxed without their own consent, so far from being an objection to representative institutions, has always been considered as their greatest advantage. Of course taxpayers may unavoidably abuse the power so given to them in such a manner as to be disastrous to the general interests: and in that case they are not fit to be entrusted with the franchise. But it must be remembered that government with the consent of the people is better (other things being equal) than government without it: and that to obtain the consent of the people to administrative acts is worth some sacrifice of administrative efficiency. Nor do I think that in the present case there is any reason to anticipate that any considerable evil will in this respect result from the change. I believe that the elective members will neither have the power nor the inclination to reduce the expenditure of Municipalities much below what is desirable. In my own opinion indeed there is—and must be in the nature of things—a tendency in Municipalities as at present constituted to extravagance at the cost of the people; and I should view not with regret but with satisfaction the measures of self-protection which the change would render possible for the taxpayers, and which I do not believe they would (if they could) abuse.

4. I do not think that the result of the experiment in the town of Madras (where the circumstances of the population are extremely exceptional) would be a

satisfactory guide in dealing with the case of other Municipalities. And I would try the experiment, as soon as we are able, in some ten or twelve of our more important Municipalities.

HOBART.

*3rd November, 1874.*

## LACCADIVE ISLANDS.

THE Laccadives, besides innumerable coral shoals, consist of a group of fourteen islands, nine of them inhabited, lying in the Indian Ocean, at about 200 miles from the western coast of the peninsula. They are divided into two groups, the Canara group and the Malabar group; in the latter category, Minikoi, one of the Maldivé group—which in all other cases is administered from Ceylon—is included. In the middle of the sixteenth century these islanders submitted themselves to the Moplah principality of Cannanore; the chiefs of which, at first tributary to a neighbouring Malabar dynasty, became independent about the middle of the last century. The people are all Musalmáns, of Hindu descent. Sir William Robinson found a tradition preserved amongst them “that their forefathers formed a part of an expedition from Malabar which set out for Mecca in search of their apostate king—the famous Cherumán Perumál—and was wrecked on these islands. The inhabitants certainly remained Hindus long after their first settlement, and were probably converted to Islam not more than 300 years back. They retain some of the general distinctions of caste, as well as the Malabar law of succession in the female line, with certain local modifications.” During the war with Tippoo, the fort of Cannanore was captured by the British in 1784, an indemnity extracted from the sovereign—then a woman who went by the name of the Beebee—and a tribute of one lac of rupees imposed

upon her. On the conclusion of peace with Tippoo, matters reverted to the *status quo*; on the renewal of war in 1790, the Beebee eagerly sided with Tippoo, instigating the Moplahs of Malabar against the Hindu chiefs, the British allies. Her fortress was again captured, and under the Treaty of Seringapatam, 1792, her territory was included in the cessions made by the Sultan of Mysore. She was, however, allowed to retain her possessions, both on the mainland and in the islands, on payment of a certain annual tax. In the case of the islands this was fixed at 10,000 rupees only, as some of the islands, those now forming the Canara group, had some years previously revolted against her authority and thrown themselves on the protection of Tippoo. She was at the same time informed that there was some intention of sequestering the islands for the advantage of the Honourable Company's Government; and to this she engaged to submit if it should be so ordered. Commissioners were sent to the islands to investigate their resources, but owing to the breaking out of the war with France the matter was put by, and for many years the Laccadive Islands remained unnoticed. The Beebee, in course of time, was succeeded by her daughter and grand-daughter. In 1848, during the administration of the last of these Beebees, a British officer was deputed to inquire into the complaints of the islanders; and as the Beebee declined to introduce the necessary reforms, the Laccadives were brought under British management, under which they continued till shortly before the Beebee's death in 1861. She was succeeded by her son Ali Rajah, and he, in 1870, by his son, Musa Ali Rajah. It was owing to arrears of tribute due by him, and to the injustice of his rule on the islands, that the attachment advised by Lord Hobart was made. It still subsists.

The sole cultivation on the island is that of the coconut palm. The inhabitants prepare and export the fibre

of the nut (coir), the nuts, jaggery, copra, tortoiseshell, etc. The ancient system requires that the coir shall be purchased by the Rajah, partly at a certain fixed price and partly in money. This price the Rajah constantly changed and reduced, besides exacting other monopolies and imposts.

MINUTE NO. XXVIII.—POLITICAL DEPARTMENT.

*Laccadive Islands.*

The final and permanent assumption of the administration of these Islands by the Government will not be effected without some considerable delay, consequent on the necessity of a reference to the Government of India and of settling the details of the arrangement. And what appears to be immediately incumbent on us is to attach the Islands for arrears of "Peishcush," as was done before in the year 1854. Under this attachment the administration of the affairs of the Islands was in effect taken over by this Government for several years: and the measure seems to have been fairly successful both as regards the interests of the revenue and the condition of the people. Nothing is more clearly established than that the Islands now in question, as distinct from those dependent on South Canara, and excepting Minicoy, are in a state of absolute anarchy:—that the inhabitants are in a miserable condition, and have the most earnest and anxious desire for the intervention of Government in their favour: and that the failure of the Rajah to pay what is due to the Government on account of them justifies and

requires us to assume the collection of the revenue. I would therefore direct the Collector at once to take measures for this purpose, for which the proceedings adopted on the same grounds and for the same purpose in the year 1854 would afford a useful guide.

2. In the meantime, the proposal for the permanent assumption of the Islands by the British Government must be referred to the Government of India. The case for it appears to be complete. As regards the right to annex the Islands on equitable terms, it seems impossible to dispute that (as explained in G.O. of 20th December, 1871) "there is not now, nor ever has been, any engagement which would prevent the Government from introducing into these Islands the system of administration which prevails in other parts of India should the conduct of the Islanders or of the Representative of the Cannanore family render such a course necessary." That such a contingency has long since occurred is also beyond dispute. All the information before us shows that the Rajah has so worked his Coir monopoly and other fiscal powers as to oppress and impoverish the people beyond endurance, the result being that they have been driven to escape by systematic smuggling from the Coir monopoly altogether, a proceeding which the Rajah on his part has repaid by every kind of vexatious tyranny on the part of his agents on the Islands. Justice appears to be now unknown to the islanders: and the picture laid before us is one of complete social disorganisation. Attempts have been for a long time made, by this

Government, to induce the Rajah to reform : he replies only by asking the Government to protect his Coir monopoly ; and it certainly cannot be said that in now resorting to extreme measures we shall be acting abruptly and without due warning. On the contrary, we shall be doing that which is imperatively demanded by the long-neglected interests and by the earnestly expressed wishes of the islanders, and for which the Rajah has been long prepared by earnest and friendly remonstrance and reiterated caution.

3. As regards (1) the details of the political arrangements to be made—I presume that it will be desirable to apply to the Islands the system of administration obtaining in those adjacent to South Canara, and which seems to have worked well. Very simple provisions appear to be required : it is a case in which the evil of over-government must be carefully avoided. I would request the Collector to state his views upon the subject, and we can then finally decide.

4. As regards (2) fiscal administration—it appears to me clear that of all the modes of raising a revenue which have been suggested the retention of the present Coir monopoly is that which should be adopted. It is simple ; it is that obtaining in the sister Islands ; it has been shown by experience, when properly worked, to be fairly productive to the revenue ; above all, it is not open to the serious objection attending all novelty in fiscal taxation imposts as applied to an uncivilised and uninstructed population.

5. With respect (3) to the compensation to be made to the Rajah—the principle referred to by the Hon. Mr. Robinson might, I think, properly be adopted, and which would require a “Malikhana” of 3,000 or 4,000 Rupees. But this must (I presume) be in addition to the grant of Rupees 5,250 which has long been conceded, with whatever justice, to the Rajah in respect of the loss of the Canarese Islands. But upon this question the Collector should also advise. We may (as it would seem) fairly calculate on a Revenue of about Rupees 20,000 from the Islands; and this it may be confidently hoped will before long be largely increased under judicious and efficient administration.

HOBART.

*7th December, 1874.*



## MEDICAL COLLEGE.

NOTHING is more popular in an Indian district than the opportunity of free resort to the numerous Dispensaries that have been established by Urban and Rural Boards in the last few years. No fresh Government Medical Colleges have been established: the only Medical Colleges or Schools, supported by Government, are those in the city of Madras. An American missionary, a distinguished medical man, has established a School at Madura. It is encouraged in every respect by the Local Fund Board of the district; and many of the pupils, on the completion of their training and after passing before independent examiners, are set up as dispensers in various central towns and villages. Medicines are given out *gratis*, and as the expense falls entirely on local funds, no additional burthen is thrown on the Imperial or provincial exchequer.

MINUTE NO. XXIX.—FINANCIAL DEPARTMENT:

### *Medical College.*

The number of "Medical Subordinates" now employed in Military and Civil duties in this Presidency, but who are all now on the Military establishment, and who are all trained in the Medical College, is 629. The Government of India has recently limited

the number of Medical Subordinates, who are to be on the Military establishment of the Presidency, to 259. In the future, therefore, of the total number of pupils entertained at the Medical College, a sufficient number to provide 370 trained Medical officers must be admitted and trained no longer as Military, but as Civil officers. The number so to be admitted and trained for civil duties, whatever it may be, will of course bear (other things remaining the same) to the whole number now educated in the College the proportion of 370 to 629.

2. Such being the state of the case, all that is at present necessary to determine is as to the conditions on which the pupils, who are henceforth to be civil officers, are to be admitted, including, of course, the terms of their service after leaving the College. On this question I agree with the Honourable Mr. Sim, and think that the scheme which he has suggested may be adopted, with any such modifications in detail as may hereafter appear desirable.

3. As regards the number of pupils to be in future admitted annually to the College—which is another of the questions discussed in the Honourable Mr. Sim's Minute—the change made by the Government of India affords no reason for considering it which did not before exist. It may, however, be considered as affording a convenient opportunity for raising that question. It was, however, decided in Council, after full discussion with Surgeon-General Balfour, that the most expedient course was to leave this question for decision, from time to time, on the recommenda-

tion of the Surgeon-General, who would be guided by the varying circumstances of the case and the probable requirements of the service as developed in the process of time.

4. The question of providing, by means of the Medical schools throughout the country, a staff of trained medical practitioners intended to meet the wants in this respect of the population at large is a distinct and very serious question. For my own part I confess that I am not prepared to admit that an object so costly, so ambitious, and, I believe, so unprecedented is within the proper province of the Government. Either the medical assistance so provided will be gratuitous, in which case the Government will have to pay not only for the education, but for the maintenance of the medical practitioners provided, or it will not be gratuitous, in which case the people must pay for the medical attendance supplied. In the first case, the cost must ultimately be very great, and it is an expense which in no country of which I have yet heard has been assumed by the Government. There seems to be no reason, for instance, why the people of India should be provided at the cost of the Government with gratuitous medical attendance, while the people of England, who require it more, are (except as regards absolute paupers) altogether without such aid. In the second case, the measure, while entailing upon Government the cost of the medical education, would fail of its object; for the people would prefer the cheap and ineffectual medical advice which they now possess to

the more expensive and better advice which they might thus obtain. The Honourable Mr. Sim estimates the expense to be incurred at £7,000. But this could only be the *preliminary* cost. The scheme implies the ultimate provision of medical advice for the whole Presidency: and the cost of this would be something very different, and which would seriously add to the fiscal burden of the people. In any case the £7,000 must fall upon our Provincial Budget: and I do not know of any object which is now a charge upon that Budget, and to which the object now proposed could, consistently with sound principle, be preferred. If we are to divert any of our Provincial expenditure to other purposes than those for which it is now incurred, I consider that elementary education (to name any one instance) is an object of expenditure far more defensible in principle than that now advocated, which indeed (as motives to trial) cannot in principle be defended at all.

5. My honourable colleague observes that the sum proposed is not much to give for the relief of suffering. But to relieve suffering from money which belongs to ourselves is one thing: to relieve it from money which belongs to other people is another. There is a temptation to the latter course from which the former is entirely free. The proposition that the satisfaction of the material requirements of the community is not one of the proper objects of taxation is (however widely it may have been departed from in practice) admitted by all but communistic politicians. To this proposition there are no doubt excep-

tions : but the question where to draw the line, as between the rule and the exception, is extremely difficult. I have always considered that in India the tendency has been to draw it too far in the direction unfavourable to the taxpayer, who cannot be consulted on the subject : and that what is required is not to encourage but to repress that tendency. Disguise it as we may, every proposal of the kind now under consideration means either an increase, or an unnecessary maintenance, of fiscal burdens : and what ought now to be our object is to diminish these burdens, rather than to invent new reasons, from motives however benevolent, for increasing them.

HOBART.

21st December, 1874.

## MUHAMMADAN GIRLS' SCHOOLS.

It is difficult to understand how this proposal to establish a School for Muhammadan Girls at a town having a considerable Muhammadan population came to be opposed. If girls of this section of the community are to receive instruction at all, it must be imparted to them in their own vernacular, the acquisition of which is desired by no other class of the population—as well as with greater privacy than is necessary in the case of Hindu girls attending a school.

MINUTE NO. XXX.—FINANCIAL DEPARTMENT.

*Establishment of a Muhammadan Girls' School at  
Gudur, Nellore District.*

My honourable colleagues object to the establishment of this school for a reason which virtually condemns the recently-adopted policy of the Government in regard to Muhammadan education—a policy which, acquiesced in by the Secretary of State and by the Government of India, has received the emphatic approval of public opinion in England. In pursuance of that policy, “Sectarian” schools—*i.e.*, schools intended exclusively for the education of

Muhammadan children—were established in the principal centres of Musalman population. It was found that there was no hope of any effectual improvement in the mental condition, so long disregarded, of that population, unless some special regard were had to their language, religious feelings, national customs and modes of thought, which were such as in a great measure to prevent their availing themselves of the ordinary educational institutions of the country. And it was very naturally considered that their education separately was an evil of less magnitude than their entire exclusion from education. It was considered, in other words, that an education which my honourable colleagues term “Sectarian” was on the whole better than absolute ignorance. My honourable colleagues are (as I must infer) of a different opinion—of an opinion which I will venture to say is not shared by any class of politicians in the present day. It certainly is not shared by the English Government, the whole course of whose educational policy shows that if the alternative lay between the creation of schools adapted to the views and requirements of a particular sect, and the absolute exclusion (however occasioned) of that sect from all opportunity of instruction, it would not hesitate for a moment in the choice.

2. I should have hoped that even in the view of the case which is taken by my honourable colleagues, they might have been willing to make an exception in favour of female education, for the sake of which we have largely departed from ordinary rules. But

as that is not the case, I can only say that I trust this proposal may yet be reconsidered. It is the first of which I have heard to establish a school for Muhammadan girls :—and as such its rejection will throw upon this Government a most serious and unenviable responsibility. The petition states that there are a hundred Muhammadan families in the place most anxious for the education of their children : and the President of the Local Fund Board assures us that the school, if not established by Government, will not be established at all. I should deeply regret that this opportunity should be lost of giving effect, in a case of peculiar interest, to a policy of the justice and expediency of which I am more than ever convinced.

HOBART.

31st December, 1874.



## NATIVE ARMY.

THIS interesting Paper on a very important and much-vexed question is the last of Lord Hobart's Minutes. It is dated 8th April, 1875, a few days before the short illness which terminated in his death.

MINUTE NO. XXXI.

BY THE RIGHT HON. THE PRESIDENT.

*Letter of Government of India respecting Promotion  
in the Native Army.*

So far as I am able to form an opinion upon them, I concur generally in the replies given by His Excellency the Commander-in-Chief to the questions of the Government of India, and in the views which he has expressed.

2. Nothing can be less satisfactory,—as regards the most important question that can affect an Army, the system under which it is officered,—than the present condition of the army of this Presidency. We cannot even obtain the number of junior officers required to complete the number of European officers now allotted to each regiment; and even when complete that number is so small that our Army can now

scarcely be considered as an effective instrument whether of offence or defence. It is no doubt possible to improve the quality of the Native officer; but supposing that by persevering efforts this could be effected so as to impart to Native officers an amount of military knowledge and capacity equal to that of European officers, and a control over their regiments proportionate to their numerical superiority—past events imperatively require us to bear in mind that we might all the while have been labouring for a result inconsistent with our own security. And whether the quality of the Native officer is or is not to be improved,—to leave things in other respects as they are at present would be to abandon the traditionary policy by which we have gained our supremacy and ensured our safety in this country—that of employing Native soldiers under the lead of European officers whom they have learnt to regard with trust, respect, and affection. For not only is the number of European officers much too restricted; the present system does not allow of their remaining long enough with the regiment to obtain a hold upon the confidence and attachment of their men. His Excellency the Commander-in-Chief has indeed shown that every endeavour is made to keep the officers to their regiments; but the regulations of the Staff Corps are evidently such that those efforts are of no very serious or comprehensive avail.

3. If the Madras Army is ever to be in a satisfactory condition, what seems to be required is—

1. That there should be a sufficient number

of European officers with each Native regiment.

His Excellency the Commander-in-Chief has indicated the rank and the number (16) of European officers whom he considers to be required; and this proposal may (I think) be accepted as sufficient for the needs both of peace and war.

2. That these officers should, so far as may be possible, be permanently attached to their regiments:—in other words, that to this extent the old “regimental system” should be restored.

The young officer should enter the regiment, as formerly, in the rank of Ensign; and there should be no inducement of tempting civil employment, either here or in other Presidencies, to disincline him to the appointment, unsettle his views, and impair his military experience and habits, when he has obtained it. Until the present Staff Corps system has been broken up by judicious arrangements and by lapse of time, this change cannot be completely made; but it appears to me that we shall never have real cause to be satisfied with our Indian Army until there is a distinct and impassable barrier between military and civil employ. It was this evil, risen to an intolerable height, of civil employ, that the Staff Corps itself was created to remedy; and the Staff Corps, as originally instituted, would have cured the evil. But the subsequent admission (which was, as ought to have been foreseen, inevitable) of all Indian officers, whether in military or civil employment, to

the Staff Corps not only neutralised that intention, but made of the Staff Corps a crushing burden upon Indian finance and a serious impediment to military efficiency.

4. It is to be hoped that arrangements may be found possible which, at a cost worth incurring when regard is had to the vital importance of the object in view, will ultimately provide for these requirements. A very large addition to the cost of the Madras Army would be necessary to make it more really expensive than it is now, when a heavy annual expenditure is incurred upon a weapon which would probably fail us in the hour of need.

HOBART.

*8th April, 1875.*

## APPENDIX

TO THE

### LETTERS AND MINUTES ON INDIAN SUBJECTS.

THE following pages on the Salt Tax in Southern India were published by Lady Hobart in 1878.

In that year the Government of India found it necessary to make a permanent addition to the public revenues for the protection of the country against the consequences of famine. A license tax on traders was imposed, together with a rate on the land; but from the last tax Madras and Bombay, which were at the time actually suffering from famine, were exempted. Meanwhile, about the same time, the whole question of the salt duties came under consideration; they varied from Rupees 3-4 per maund (82 $\frac{2}{7}$  lbs.) in Bengal, to Rupees 3 in the Upper Provinces, and to Rupees 1-13 in Madras and Bombay. The Government would have desired that the duties throughout the whole of India should be at once brought down to the lowest rates in force, but were deterred by the fears of an immediate and enormous loss of revenue, estimated at 1 $\frac{1}{2}$  millions sterling. They decided that the only practicable way of reducing the duties throughout the greater part of India was to raise, for a time at least, the lower duties in Madras and Bombay. Accordingly in the beginning of 1878, these duties were raised to Rupees 2-8 per maund; the rates in the rest of India (except Bengal, where the reduction did not go so far) being lowered to the same figure. Sir John Strachey

complains that "it is still often asserted that the salt duties were raised in Madras and Bombay as a part of the famine taxation, though the contrary was distinctly stated at the time. The measure was a step towards the equalisation and ultimate general reduction of duties throughout India." Before the last increase of duty, the average price of salt in the bazaars of the Madras Presidency was Rupees 2-12 per maund; it then rose to Rupees 3-5. With the constant extension of roads, railways, and canals, a small increase of price like this was not likely to diminish the rate of consumption to which the people had accustomed themselves; but it is significant that when subsequently in March, 1882, the duty was again lowered—by 25 per cent.—the sales went up at a bound and still continue to advance, those for 1883-4, the last year for which returns are available, exceeding by 368,254 maunds those of the previous year, which were the highest ever attained. It is admitted, however, that a considerable portion of these extended sales is due to a costly but very necessary preventive service for the suppression of the illicit manufacture of salt, which was established over the length and breadth of the Presidency, simultaneously with the reduction of duty. We are not to suppose that nothing more remains to be done, that it would be financially imprudent to lower the duty still further, on the ground that the people already buy as much as they can eat. The Famine Commissioners, indeed, writing at a time when the duty stood at Rupees 2-8 (five shillings) a maund (82½ lbs.), observe that no native of India need pay a greater tax than 7*d.* a year for his salt. At that rate they allowed him a yearly consumption of 10 lbs. only. Is there any medical officer, conversant with the diet and habits of the natives of India, who will say that this quantity of the condiment is sufficient

to keep an adult in health? An ounce of salt *per diem* (i.e., 22 lbs. *per annum*) is sanctioned for each prisoner in jail, and the same to the Madras Sepoys when rationed by the Commissariat. It is satisfactory that we have had it at last announced that “we must finally abandon the erroneous notion that it is profitable to levy the salt tax at a high rate on a restricted consumption, and resolve to act at all times on the only sound principle, that the interests of the people and of the public revenue are identical; for we shall receive the largest possible revenue when the salt duties are low, and when the people throughout India *obtain an unlimited supply of salt at the lowest possible rate*”—in which case, it may be added, salt will be largely given to cattle, which now go without it altogether.

# THE SALT TAX IN SOUTHERN INDIA.

## PREFACE.

THE object which I have in view in publishing the following papers is threefold.

1. I am anxious that Lord Hobart's experience and opinions should not be entirely lost to his country. I wish his words to live and carry on whatever good they may be capable of promoting:

2. I desire to give some record of the unwearying effort with which he tried to secure the welfare of the people of India, and especially of the people in the Presidency of Madras during the three years he was their Governor.

3. I wish to record his desire that his administration should rest rather on permanent principles than on measures passed to suit temporary difficulties.

We hear very much about the anxiety of the British people to protect our "Indian possessions," but in ignorance or forgetfulness they are rarely reminded that the surest safeguard of our Indian Empire is to be found in the happiness of the people of India. The jealous guardianship of their well-being is an impregnable defence against all foreign foes. The armament of a people's happiness is consistent with reduced taxation, and with the rule of a Sovereign whose glory may be that in her Eastern



Empire the contentment of millions of her subjects gives reality to the message of "Peace and goodwill to men," and establishes Christianity as a practical principle of Government, and as the basis for the widest toleration and closest association in one common bond of interest for people of different races and various creeds.

I am most anxious to thank the Duke of Argyll, Lord Salisbury, and Lord Northbrook for having sanctioned the publication of the following papers. Besides this, Lord Northbrook has entirely supplied the information which has made their arrangement possible and intelligible. In gratefully acknowledging his kindness it is impossible to overrate the importance of the assistance which he has so generously given towards carrying out the object which has decided me to publish Lord Hobart's Minutes and Letters upon the Salt Tax.

MARY CATHERINE HOBART.

1878.

IN a debate in the House of Commons on the 23rd of January last, Lord George Hamilton moved for the appointment of a select committee to inquire into and report upon the expediency of expenditure for "Public Works" in India.

During the debate Mr. Fawcett, as well as other speakers, alluded to the policy lately adopted by the Finance Minister of India, in order to meet the exigencies caused by the famine. Sir John Strachey proposes to raise a Famine Fund, which is to be provided by additional taxation: the object of this additional taxation is to raise a million and a half sterling, and this with the result of a rearrangement of the existing taxation is to produce

an annual sum of two millions to be available for the recurrence of such contingencies as have arisen from famine.

For this object among other measures it has been proposed to raise the Salt Tax in Southern India, and during the debate Mr. Fawcett maintained that the objections to any increase in the price of salt were overwhelming, and he mentioned that among those who had objected to raise the duty on salt were Lord Lawrence, and much later Lord Hobart.

As the question is one in which Lord Hobart took a very deep interest while he was Governor of Madras, and in the study of which he spared no pains, and as he formed his opinion—which was a very decided one—only after a most careful consideration of the question, it seems advisable that his “Minutes” and Letters upon the subject should be made available to those interested in the welfare of the people of India. It will be seen that whereas Lord Hobart was at first decidedly anxious to agree to the proposed measure, he found it necessary to oppose it as undesirable for the interests of the people of Southern India.

In August, 1872, a circular was addressed by the Government of India to the local Governments, asking for opinions as to the existing system of taxation. The late increase in taxation, both local and imperial, had been the cause of much complaint. By the circular the Viceroy invited the local Governments, and also the Governments of Madras and Bombay, to report which taxes were the causes of the discontent, and the inquiry was made “whether the duty levied on salt might be raised if funds were at the same time placed at the disposal of the local Governments, to enable them to grant some substantial remission of provincial taxation.”

Early in July of the same year Lord Northbrook had Lord Hobart in a private letter whether an increase in the Salt Tax could be borne in the Madras Presidency in order to get rid of the Southern Inland Customs line, which existed between Northern and Southern India. In reply Lord Hobart wrote:—

"You asked me in your last letter, and I meant to have answered, a question about Salt. It is a very important subject, and I cannot say I think the existence of Customhouse Cordons between the Indian Presidencies is creditable or ought to be tolerated, and the question is how to find a remedy. *We* think you ought to lower your selling price: but whether you can do so with a due regard to local considerations is a question of careful and not very easy calculation, and which of course must be decided by yourselves. Has it been thoroughly examined and rightly decided in the negative? On *our* part I fear it would be difficult to raise the price at all,—still less to equalise it with yours: but I will look well into the subject, and let you know the result: Perhaps you might meet us half-way."

On August 10th Lord Hobart wrote more favourably of increasing the Salt Tax; he then said in a letter to Lord Northbrook:—

"I am very glad to find that you think the Budget for next year will admit of reduced taxation. The direction in which reduction is chiefly required seems to me to be that of local burdens, which are certainly causing great discontent, and which have an inherent tendency to increase. We will give our best attention to the questions which you mean to refer to us. I think that if possible the Income Tax should go. The amount which it brings in is not enough to counterbalance its inequitable incidence and extreme unpopularity with certain influential classes.

"I am looking carefully into the salt question—but have not yet had time to study it sufficiently. So far as I have gone, I am under the impression that we might increase our selling price without materially diminishing consumption. During the last ten years it has twice increased without any such result. The last time (in 1869-70) the price was raised (from 1 Rupee\* 11 annas per maund of 82 lbs. to 2 Rupees) on the supposition that the Bengal duty would be lowered to an equality with it; but the Bengal duty, and accordingly the Inland Customs line, remained as before. If I could be quite sure that the poorer and more numerous class would not suffer, I should most highly approve of your suggestion of an increased tax on salt, with a corresponding reduction of local taxes. As it is, the objection occurs to me, that the class which would benefit by the reduction is not the class which would be injured by the increase, but one just above it. It may be, however, that the increase would inflict no appreciable injury on any class."

In a letter dated October 5th, Lord Hobart, in a private letter, again wrote to Lord Northbrook:—

"Certain figures and facts which have been brought to my notice since I last wrote to you have considerably shaken my opinion about salt. The sales for the *current* year show a tendency, which I had not expected, to a permanent diminution of consumption since the increase of our selling price (in 1869-70) from Rupees 1, 11 annas to Rupees 2 per maund,—and if this be so, a further increase of 50 per cent. would certainly be inexpedient. The question seriously affects our agricultural labourers, who are very numerous and very poor, and to whom there appear to be no means of applying a corresponding relief from taxation. It would be most desirable to get rid of the Frontier Customs line. Is it quite out of the question that you

\* 16 Annas make 1 Rupee; 1 Rupee equals 2s.; 1 Anna equals 1½d.

should reduce your tax? In estimating the effect upon your revenue, there would of course have to be considered the gain from increased consumption (which I should imagine might be very considerable) and the saving as regards the great expense of the frontier line. . . . I see that the consumption, per head of population, of salt subject to the Bengal rate of duty, is strikingly less than that of salt subject to ours. I am told that this is to be accounted for in a great measure by the fact that less salt is required in a soil and climate such as that of Northern India. But is it quite certain that the comparatively high taxation is not also a cause? If it is, the case for reducing your tax would be very strong: for it is also absolutely certain that an article of prime necessity, such as salt, is not a proper subject for taxation, *in a degree which greatly diminishes consumption.*”

The official expression of Lord Hobart's opinion is given in the following Minute, which was written in answer to the Viceroy's Circular:—

MINUTE BY THE RIGHT HONOURABLE THE PRESIDENT.

*Dated 13th November, 1872.*

“The Government of India suggests for our consideration whether the price (Rupees 2 per maund) at which salt is sold on account of Government in this Presidency might not be raised, so as to equalise the tax on salt as between this Presidency and Bengal, where the duty is Rupees 3-4-0 per maund.

“In order to decide upon the answer to be given to this question, it is necessary to consider the probable effect of the proposed measure—

“I. Upon the revenue.

“II. Upon the taxpayer.

“I. In regard to revenue, the result of former additions to the Government selling price of salt in this Presidency

will afford some indication of the probable consequence of the course now proposed.

"In the five years ending with 1858-59, during which the Government price of salt was Rupee 1 per maund, the average yearly amount of revenue derived from salt was Rupees 54,90,382\* (or £549,038). Allowing for increase of population, and supposing the Government price, as well as other circumstances, to have remained unchanged, the average yearly revenue from salt during the next five years (1859-64) would have been Rupees 57,41,780 (£574,178).

"But in 1859-60, the Government price was raised from Rupee 1 to Rupees 1-2-0 and Rupees 1-6-0 per maund; and again in 1860-61, to Rupees 1-8-0 per maund; and in the five years from 1859 to 1864, the average yearly revenue actually received was Rupees 82,44,505 (£824,450). From these figures, then, it appears that from the increased taxation of salt in the years 1859-60 and 1860-61, the revenue derived an advantage fully equal to the rate of the increase; in other words, that in this case consumption was not diminished by increased taxation. It must, however, be observed, that in the year 1862 the effect of the American war upon the material interests of India began to be felt, and that the improvement was progressive during the following two or three years.

"In the five years ending 1863-64, the average annual revenue from salt in this Presidency was (as above stated) Rupees 82,44,505 (£824,450). Allowing for increase of population, and supposing other circumstances to have remained the same, the average annual revenue from this source for the following five years (ending 1868-69) would have been Rupees 86,44,282 (£864,428). But in the first† of these five years (1864-65) the Government selling price of salt was raised from Rupees 1-8-0 to Rupees 1-11-0 per maund; and the average amount of annual revenue actually received in the five years was Rupees 107,09,329 (£1,070,933).

\* *i.e.* Lacs of Rupees 54·90382—£100,000 makes 1 Lac of Rupees.

† This enhancement took effect from March, 1866, only.

should reduce your tax? In estimating the effect upon your revenue, there would of course have to be considered the gain from increased consumption (which I should imagine might be very considerable) and the saving as regards the great expense of the frontier line. . . . I see that the consumption, per head of population, of salt subject to the Bengal rate of duty, is strikingly less than that of salt subject to ours. I am told that this is to be accounted for in a great measure by the fact that less salt is required in a soil and climate such as that of Northern India. But is it quite certain that the comparatively high taxation is not also a cause? If it is, the case for reducing your tax would be very strong: for it is also absolutely certain that an article of prime necessity, such as salt, is not a proper subject for taxation, *in a degree which greatly diminishes consumption.*”

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“In order to decide upon the answer to be given to this question, it is necessary to consider the probable effect of the proposed measure—

“I. Upon the revenue.

“II. Upon the taxpayer.

“I. In regard to revenue, the result of former additions to the Government selling price of salt in this Presidency

It thus appears that, after making full allowance for increase of population, the revenue during these five years improved in a greater ratio than that in which the tax was increased.

“In the two following years (1867-68 and 1868-69) the Government price remained as before (Rupees 1-11-0 per maund), and the average annual amount of revenue was Rupees 109,42,433 (£1,094,243). But in the year 1869-70 the Government price was raised from Rupees 1-11-0 to Rupees 2 per maund. In the two years (1870-71 and 1871-72) the average annual amount of revenue, allowing for increase of population and supposing the Government price as well as other circumstances to have remained the same, would have been Rupees 115,52,833 (£1,155,283). The actual annual average revenue for these two years was Rupees 127,68,314 (£1,276,831). It appears, however, that as regards the first of these two years (1870-71), there were some exceptional circumstances which prevent its affording any trustworthy indication as to the effect of the increase in the tax; and we may therefore leave that year out of consideration, and take as our guide the year 1871-72. In that year (1871-72) the revenue from salt sales was Rupees 129,70,890 (£1,297,089). It will thus be seen that, although the tax had been increased by about  $18\frac{1}{2}$  per cent., the increase of revenue (allowing for increase of population) was only about  $12\frac{1}{4}$  per cent. It might not unreasonably have been anticipated that this comparative reduction of revenue was only temporary, since it often happens that any sudden enhancement of price creates a decrease of demand from which there is a speedy recovery, and that the sales for 1872-73 (the current year) would show a tendency to such recovery. This, however, has not been the case. On the contrary, the sales of salt for the seven months ending Oct. 31, 1872-73, showed a marked diminution as compared with the sales for the same seven months in the preceding year, the revenue for the seven months of 1871-72 having been Rupees 68,83,260 (£688,326) and that for the seven months in 1872-73 Rupees 66,41,061 (£664,106). It cannot, indeed, be supposed, that the diminu-



tion is wholly, or even principally, due to the enhancement of price consequent on the recent increase of taxation,—since the effect of that increase would almost necessarily be more apparent in the first than in the second of the two years compared; but the figures are at least sufficient to show that the comparative decline in the revenue receipts from sales in the year 1871-72 is not unlikely to continue.

“From the foregoing statements it will be seen that on the first two of the three occasions on which the Government price of salt has been increased during the last twenty years, the revenue derived the full benefit of the increase,—in other words, that so far as the revenue was concerned, the measure was in each case one of unqualified advantage. In the third instance (that of the rise in the Government price from Rupees 1-11-0 to Rupees 2 per maund), the result was different. In this case the revenue, though largely increased, profited in a degree very considerably inferior to the degree in which the tax was augmented. The natural inference is, that to expect from the proposed increase of 50 per cent., or even from an increase of half that amount in the taxation of salt in this Presidency, a proportional increase of revenue, is out of the question. We have seen that the recent addition of  $18\frac{1}{2}$  per cent. to the tax added only  $12\frac{1}{4}$  per cent. to the revenue. It seems reasonable therefore to believe that the utmost gain to the revenue which could be expected to result from an addition of considerably more than 50 per cent. to this tax would be 25 per cent., and it is impossible to say how much less than 25 per cent. that increase might actually prove to be.

“It must not be forgotten, however, that the proposal now before us is to equalise the salt duties throughout India; that the effect of this would be a saving to the Imperial Treasury equal to the whole expense of the Frontier Customs line,—or in other words, an increase of the Imperial Revenue, as compared with the demands upon it, probably about £200,000; and that a part (say one-third) of the increase might be considered as constituting an improvement, *pro tanto*, in the financial position of this

Presidency. It is evident, however, that the case is not materially altered by this consideration. The gain thus effected may be looked upon as an increase of £60,000 or £70,000 to the revenue of this Presidency; and this increase would not go far to compensate for the comparative loss of revenue (amounting to at least £300,000) which we are justified in expecting, if the taxation of salt is increased to the extent now proposed.

II. We have now to consider the effect of the proposed additional taxation upon the taxpayer. Upon this point also the most obvious method of forming a judgment is to inquire, what has been the result to the taxpayer of former similar measures? An answer to this question, so far as regards the first two occasions on which during the last twenty years the fiscal impost upon salt in this Presidency was increased, is furnished by the figures above cited. Thus in the five years ending with 1863-64, during the first two of which the Government price was increased from Rupees 1 to Rupees 1-2-0, Rupees 1-6-0, and Rupees 1-8-0 successively, it has been seen that the revenue derived the full advantage of the increase, which is the same as saying that the consumption per head of population showed no diminution on account of that increase. (The actual average consumption of salt in each of those five years, and in each of the preceding five years when the Government price was only 1 rupee per maund, was Indian maunds 59,83,347 and Indian maunds 53,51,753 respectively.) Again, in the five years ending with 1868-69, in the first of which the Government price was increased to Rupees 1-11-0 per maund, as compared with the five preceding years, during which it was from Rupees 1-2-0 to Rupees 1-8-0 per maund, it has been shown that, making due allowance for increase of population, the revenue increased in greater proportion than the tax; or in other words that, in spite of the additional taxation, the amount of salt consumed per head of population considerably increased.

“ On the third occasion, the year 1869-70, when the tax was raised from Rupees 1-11-0 to Rupees 2 per maund, we

have seen that the result was different. In the two years which followed that change, the increase of revenue, though considerable, was not (allowing for increase of population) equivalent to the addition which had been made to the tax; which is the same as saying, that in these two years, as compared with the two years preceding the addition to the tax, the consumption of taxed salt per head of population decreased. Taking (as before) the most favourable of the two first-mentioned years, we find that the actual sales in that year were 66,38,955 maunds. If the consumption per head of population had not diminished, they would have been (allowing for increase of population) in round figures 68,00,000 maunds. It is of course possible that this deficiency in the sales of Government salt may have been more or less counterbalanced by an increase of illicit sales. How far this has been the case it is impossible to say. But it may fairly be assumed that the figures referred to represent, in part at least, a real diminution in the consumption of salt, from whatever source obtained. And even supposing that the deficiency in the sales of the Government salt was entirely compensated by illicit sales consequent on the enhanced tax, the question at issue is not materially affected. The evil in that case due to the increase of the duty would be moral evil implied in illegal transactions, instead of the physical evil implied in the diminished consumption of salt.

“The result, then, of former experience, in regard to this question, considered with reference to the interests of the revenue as well as to those of the taxpayer, is as follows:—That whereas it has been possible to increase the taxation of salt in this Presidency,—which stood in 1858-59 at 1 Rupee per maund,—first to Rupees 1-8-0, secondly to Rupees 1-11-0 per maund, with an advantage to the revenue fully equal to the rate of the increase, that is to say, without any such effect upon the taxpayer as to diminish consumption, the effect on the further increment in the year 1869-70 was, on the contrary, to increase the revenue in a rate very unequal to that in which the tax was increased,

and to injure in no inconsiderable degree, the taxpayer considered as a consumer of salt. The fair inference seems to be that the proposed further addition, much greater than any that have preceded it, to the taxation of this article, would increase the revenue in a far inferior degree, probably by not more than 25 per cent. at most, and would materially reduce the amount of salt consumed in this Presidency.

“Now it is to be observed that salt is an article so essentially important to health and life, that to tax it in a degree such as greatly to diminish consumption cannot but be objectionable. However valuable as a fiscal resource, the tax would be unjustifiable if it were fixed at such an amount as to prevent the poorer classes from obtaining as much salt as may be necessary for the preservation of health. There seems no reason to suppose that the existing Government price of salt in this Presidency has such an effect, at least in any degree. The average annual consumption is now about 14 lbs. per head of population; and if we suppose that this indicates on the part of the poorer class a consumption of about 12 lbs. per head, it can, perhaps, hardly be said that the quantity consumed by that class is decidedly insufficient to maintain health: the maximum quantity of salt which ought annually to be consumed by an adult having been estimated by scientific authorities at 14 lbs. per head. But any measure which would result in a considerable diminution of the quantity now consumed would obviously, under these circumstances, be unsafe as regards the health, to say nothing of the comfort, of the more indigent classes of the population; and the tax upon salt would in that case assume the objectionable character of a tax greatly restricting the consumption of an article not only of universal consumption, but of the very first necessity.

“The figures above cited indicate a strong probability that the taxation of salt in the Presidency of Madras has reached a point beyond which it ought not to be carried. But they cannot be considered as absolutely conclusive,

and it becomes, therefore, desirable to test their value, so far as may be possible, by other considerations. There are then in this Presidency some sixteen millions of persons who may be considered as belonging to the class either of 'pauper ryots,' or of agricultural labourers. In these classes the average income of a family consisting of five persons is probably on the average, and expressed in money, not more than Rupees 120.

"At the present average retail price of salt,\* and taking the amount of salt consumed per head of population at 12 lbs., the quantity consumed annually by such a family would be 60 lbs., and its cost about Rupees 2, of which about Rupees  $1\frac{1}{2}$  represents taxation. A tax of Rupees  $1\frac{1}{2}$  annually upon so necessary an article as salt may be considered as amounting to a direct tax of  $1\frac{1}{3}$  per cent. upon the income of the poorest class of the community; and it certainly cannot be said that such a tax is of trifling importance, or that its increase from less than Rupees 2 to Rupees 3-4 per maund could not by any possibility be productive of serious evil.

"It must, however, be borne in mind, that what is now proposed is, as may fairly be taken for granted, not to add to the burdens of the population in order to increase the revenue, but to add to them in one place with a view to diminish them in another. I assume that in this case the whole addition to the revenue which might be expected to result from the proposed measure would be applied in some manner to the relief of taxpayers in this Presidency; and this consideration constitutes, *pro tanto*, an important argument in favour of the proposal. But it is to be observed in the first place that (as before shown) an increase such as that suggested in the Government price of salt in this Presidency might very possibly produce an increase of revenue so small as to afford to the taxpayer a very inadequate compensation for the enhanced price of his salt. In the next place,

\* 338 Rupees per garce; a garce=120 maunds of 82½ lbs. avoirdupois.

we have in this Presidency a class of agricultural labourers numbering, with their families, some ten millions, by whom, on the one hand, the dearness of salt would be felt more oppressively than by any other class, and to whom, on the other, there seems to be no possibility of applying directly the relief from taxation for which the increased receipts from salt would provide the means. They would participate to some extent in the relief which might thus be given to any class upon which direct taxation falls, but they are themselves subject to no such taxation, and could not, therefore, be relieved from it.

“The immediate object of the proposal under consideration being the abolition of the Frontier Customs line, and there being (as has been shown) strong reason to believe that it would be inexpedient to add to the taxation of salt in this Presidency, the alternative is a reduction of the rate at which salt is taxed in Northern India. Whether such a measure is possible without a considerable sacrifice of revenue, and whether that sacrifice would or would not be greater than the Imperial Treasury can bear, it is not for this Government to decide. *Primâ facie*, it would seem probable that a reduction of the tax upon salt in Upper India might be followed by an increased consumption of this as well as of other tax-paying articles such as would in no unimportant degree diminish the consequent loss of revenue, which loss would be still further counterbalanced by the gain to be derived from the abolition of a cumbrous protective machinery, the expense of which is not its only evil.”

In January, 1873, Lord Hobart went to Calcutta, and during the visit he found, as he expected, that the policy adopted by Lord Northbrook was one with which he was almost entirely agreed. This was a very great satisfaction to him at the time, and ever after, and joined to a friendship of many years' standing, explains the entire confidence

with which he freely expressed his opinions in his letters to Lord Northbrook. Soon after leaving Calcutta, Lord Hobart expresses in a private letter to the Viceroy, in very plain words, his views upon Taxation; and though the extract rightly belongs to the correspondence upon Taxation, it is a key-note to the principles which caused Lord Hobart so decidedly to oppose the increase of the Salt Tax. Writing from "Government House, Bombay, January 31, 1873," he says:—

"At this moment, it is my belief that the Minister of Finance holds the key of Indian loyalty, for I am so far an alarmist as to believe that recent fiscal measures in taxation have caused most serious mischief, and that taxes are now paid with curses the deeper because they are scarcely heard. Your principle I understand to be to pacify all classes by reducing taxation or arresting its progress so as to disabuse them of the fear that there is more to come; and for this purpose to sweep away on the one hand the Income tax (machinery and all), and on the other to simplify and reduce some of the taxes which press upon the poorer class.

"To give full effect to this, the local Governments must consult and aid you; and I can answer for Madras. I think I understood you to anticipate a surplus sufficient for these measures; but (as I said) if I had not a surplus I would *make* one by reducing expenditure.

"Popular content is better than public works.

"P.S.—On reading over this letter I fear it looks in some parts like giving advice beyond my province; but you spoke to me so freely on these subjects that I have not hesitated to say just what I think about them."

The idea of raising the Salt Tax in Madras and Bombay for the sake of applying the proceeds to the remission of local taxation was given up, and the most objectionable of

the local taxes, the non-agricultural cess in Bombay, and the House tax in Madras, were abandoned without imposing any taxes in their stead.

But complaints were received of the operation of the Inland Customs preventive line in the Central Provinces, and the Viceroy, being anxious to abolish it, a proposal was made in February, 1873, to the Government of Madras and Bombay for the purpose; the plan included a slight increase of the Salt Tax in Madras and Bombay; and the reasons are fully explained in the following letter:—

*“From the SECRETARY to the GOVERNMENT OF INDIA, Department of Agriculture, Revenue and Commerce (Customs) to the SECRETARY to the GOVERNMENT OF MADRAS, dated Calcutta, 14th February, 1873. No. 23.*

“ [Confidential.]

“I am directed by His Excellency, the Governor-General in Council, to submit confidentially for His Excellency's consideration and early expression of opinion a sketch of the measures which His Excellency in Council would desire to see adopted in view of the abolition of the lower section of the Inland Customs line which, seven hundred and ninety-four miles in length, stretches across the continent of India from Burhampore to the banks of the Mahanadi, dividing the Central Provinces and Berar from Madras, Bombay, and the Nizam's Territories.

“2. This line has at various times been the subject of grave complaints as an inevitable hindrance to trade and traffic, and a source of more or less oppression to the populations resident in its immediate neighbourhood; and without in any way underrating the care with which its administration has for some years been supervised, His Excellency is convinced that some foundation must always continue to exist for such complaints so long as the line itself is maintained.



“3. Nothing could possibly afford His Excellency greater satisfaction than the abolition of the entire line, which stretches as a barrier more than 2,500 miles in length, from beyond Attock nearly to the Bay of Bengal. Unfortunately, nearly two-thirds of the line are required for the protection of a revenue of several millions sterling against the introduction into our territories of untaxed salt, which the Government of India cannot tax, or is debarred by political considerations from taxing at its source. But the remaining third, which exists merely to catch a differential duty on British salt passing from one British province to another, is becoming yearly, as trade develops and communications are opened out, more and more objectionable and anomalous; and towards the abolition of a portion of the line at any rate, since more cannot at present be attempted, His Excellency confidently looks for the co-operation of the Governments both of Madras and Bombay.

“4. The Government is not, however, able to carry out the abolition of the Central Provinces line without simultaneously taking steps towards diminishing somewhat the great existing inequality in the rates of the salt duty in Southern and Northern India, and the adoption of special measures in regard to Bombay rail-carried salt and Madras salt produced at works contiguous to the Bengal frontier.

“5. While abolishing the Customs line, His Excellency believes that the retention of a differential duty in some shape in Bombay railway-carrying salt is at present inevitable. Kokan salt, paying the ‘full’ rate of duty, already occupies the Jubbulpore market, and competes in that of Allahabad; a difference of only twelve annas in its favour would land it at the same price at which it now stands at Allahabad five hundred miles further up and down the line; and enable it to displace the Rupees 3, and Rupees 3-4-0 duty-paying salt from the consumption of at least fifty millions of people, involving not only a large sacrifice of revenue but a sudden and fundamental derangement of the salt trade on this side of India.

either side of the frontier) being at stake, Government will not hesitate to meet him half-way.

“9. His Excellency would ask the Madras Government to consider the trans-Godávari districts, which are mainly composed of permanently settled estates, by themselves and apart from the rest of the Presidency, and to agree to the imposition at the Ganjam works of a duty intermediate between the general Southern Indian and the Bengal rates, but not exceeding a maximum of Rupees 2-8; and at other works lying between Ganjam and the mouth of the Godávari of a graduated duty bridging over the difference between that adopted for Ganjam and that south of the Godávari, which will be the general South-Indian rate. In pursuance of the same policy, His Excellency purposes to lower the rate of duty now levied on salt manufactured in the Pooree district to Rupees 2-12-0, and on that produced in the Cuttack district to Rupees 3, thus by a series of easy steps connecting the low duty of Rupees 1, 13 annas of Madras with the Rupees 3-4 duty at Calcutta.

“10. These measures, however (designed to shade off gradually the harsh lines of demarcation of widely different rates) are, although necessary adjuncts, subsidiary to the main question on which depends the possibility of abolishing the 800 miles of the Central Provinces line. At the existing general rates of duty, the proposition could not be entertained.

“11. In His Excellency's opinion, a certain increase to the duty in Southern India is inevitable, but he entirely concurs in the views expressed by His Excellency the Governor of Madras in a recent Minute, that that increase cannot be large, and he hopes, in consultation with the Governors of Madras and Bombay, to be able to settle its exact amount satisfactorily to them, and yet without loss of revenue to the State.

“12. Assuming the various measures above indicated to be adopted, His Excellency believes that an uniform rate of Rupees 2 for Southern India, exclusive of the trans-Godávari districts, where it would range from Rupees 2 at Coco-

nada to Rupees 2-8 at Ganjam, would fulfil all the conditions, and, while enabling him to dispense with nearly a thousand miles of Inland Customs lines and Police Customs posts, would afford to the people of Madras and Bombay uninterrupted freedom of internal commerce with Bengal, the Berars, and the Central Provinces, besides giving a great stimulus to their salt trade.

“13. His Excellency desires it to be clearly understood that this measure is undertaken without any view to enhancing the aggregate revenue derived from salt. His sole desire is to make a substantial move towards the abolition of those internal Customs barriers, which, however carefully managed, must impede traffic, and which, according to the reports recently received from the local officers in the Central Provinces, are attended by serious evils.

“14. According to the most careful computations possible, the financial effect of the measures above indicated, if adopted in their integrity, will be to give some ultimate increase in the revenue derived from salt; and in anticipation of this increase, His Excellency is prepared to make an increased annual allotment, commencing with the coming financial year, to those Presidencies which are called on, in pursuance of an Imperial administrative reform, to bear additional taxation.

“15. His Excellency has devoted much consideration to the question of strengthening the hands of the local administrations, and relieving them from the necessity of provincial taxation by allotting to them a certain fixed proportion of future net increase of revenue, but he is not at present in a position to decide whether such a measure can be generally adopted, or, if it be adopted for certain branches of the revenue, whether that derived from salt could properly be included among these, and the present case must therefore be dealt with apart from such considerations. His Excellency has not specifically referred to a very necessary measure, the equalisation of the duty through the several districts of the Madras Presidency, because he believes that it is already under the considera-

tion of the Local Government. It seems clear that henceforth a rate of duty should be fixed for Madras the same as that adopted for Bombay, which shall be paid alike on all salt, whether imported or manufactured by Government or private parties, it being left to the Madras Government to fix in each district by executive order the sale price of its own salt at such a figure as shall cover all expenses connected with the manufacture, transport, and sale of its salt, without trenching on the fixed rate of duty, the whole of which should pass intact into the Imperial Exchequer.

“16. Looking to the special circumstances of the case, and to the fact that the entire burthen of this administrative reform, by which the Central Provinces will, it is hoped, benefit, devolves on Southern and Western India, His Excellency proposes to allot £40,000 to Madras, and £25,000 to Bombay, as an additional provincial assignment, for the purpose of enabling the Local Governments to lighten the pressure of provincial taxation.

“17. The trans-Godávári districts of the Madras Presidency have still to be considered. Bearing in mind that these will be subjected to an extra taxation, over and above that paid by the rest of Southern India, His Excellency is disposed to make an annual grant of £10,000 for local expenditure in those districts.

“18. His Excellency regrets that he is not in a position to make still more substantial concessions; but having frankly and freely explained his views, and having set aside for the benefit of the Southern Presidencies all that due consideration for the financial interest of the Empire allows, he confidently trusts that this measure will be accepted in the same spirit; and that the Governments of Madras and Bombay will unhesitatingly co-operate with him in striving to give effect to the great and desirable reform at which the arrangements above indicated aim.

“The earliest possible reply to this communication is solicited.”

Though the official letter in answer to this letter is not

forthcoming in time for the appearance of these papers, Lord Hobart's official answer is given in the following Minute, which is dated February 27, 1873 :

MINUTE by the Hon. President.

"I think our answer to the Government of India should be somewhat as follows :

"1. This Government agrees with the Government of India, in the opinion that the existence of a Preventive Customs line, between Northern and Southern India, is an evil of a serious magnitude, and one which it is extremely desirable to remove, if its removal can be effected with a due regard to the interests of all parts of the Empire.

"2. But the maintenance of such a barrier is only one of the evils attendant upon the system—so anomalous and so opposed to sound financial principle—of differential duties, as between the various Provinces of the Empire, on an article of universal consumption ; and this Government would have been glad if the Government of India had found it possible to adopt the more simple and obvious remedy which consists in the equalisation of these duties. Any considerable increase in the taxation of salt in this Presidency would be (for reasons which have already been explained by this Government, and are considered conclusive by the Government of India) most undesirable ; and the equalisation of the duties could therefore only be effected by reducing the duty levied in Upper India to the level, or nearly to the level, of that in Madras. The Government of Madras had been inclined to hope that such a measure might have been, wholly or in great part, effected in the present year, and they were in that case prepared to agree to a small increase of the tax in this Presidency, in consideration especially of the immense benefit which the measure would have conferred upon the vast and populous territories of Upper India.

"3. The Government of India, however, are now proposing to deal exclusively with the evil involved in the

maintenance of the Preventive Customs line as against Southern India, and (while continuing and even carrying still further the present system of differential duties) to dispense with that line by means of an arrangement of some complexity, the object of which is to provide that salt subject to the lower taxation of Southern India shall not supplant in the market salt which is subject to the higher duty of Rupees 3 and Rupees 3-4-0 per maund.

"4. The Government have now to consider the effect of the arrangements thus proposed upon the interests of this Presidency.

"5. A general increase of 3 annas in the Salt Tax will be an increase of no inconsiderable importance. As has already been explained to the Government of India, there is good reason to suppose that the last addition to the Salt Tax in this Presidency (of only 5 annas) caused a very decided decrease of consumption; and it is to be feared that this new enhancement of the tax would have a further effect in that direction. As regards the trans-Godávári districts, where the proposed increase of taxation is much more considerable, the case will of course be worse. And it unfortunately happens that the district of Ganjam is, from the poverty of its population, and its liability to frequent periods of scarcity, less able to bear the heavier burden than almost any district of the Presidency.

"6. Further, it is to be observed that the amount of additional taxation which it is proposed to place upon the Presidency, and which would fall chiefly on the poorer class, would be Rupees 18,25,143 (£182,514, I take Mr. Sim's figures). In compensation for this serious addition to the public burdens, Rupees 500,000 are offered by the Government of India, to be applied in the reduction of local taxation. It is evident then that the compensation offered is inadequate to the burden imposed; but unfortunately this is not the only objection. The class by which the increased pressure will be most severely felt is the poorest and most numerous class in the Presidency, that of 'agricultural labourers,' whose number (with their families) may be taken

at about ten millions; and it is this class which would most acutely feel the pressure, while it would have no part in the compensation. 'Local cesses' do not affect field labourers. Compensation would be given for a measure restricting the labourer in the use of that which is essential to his health and life; but it would be given, not to the labourer, but to the ryot who employs him.

"7. The maintenance of a Frontier Customs line, as between different districts under the same Government, is doubtless a great evil, not only from an economical, but also from a social point of view. But for the reasons stated by Mr. Sim (and which should be shortly explained in our reply), the interests of this Presidency are not so directly affected by the Preventive line as that its abolition can be weighed in the balance when there is a question of providing a direct, substantial and easily intelligible compensation for the enhancement of the salt duty in Madras.

"8. It would appear, then, that the proposed measure would effect its object—the abolition of the Frontier Preventive line—at serious expense to the people of this Presidency, and at the cost especially of the more indigent portion of the community, who, while paying a higher price for an article of food indispensably necessary to life, would derive no appreciable advantage either from the obliteration of the Frontier line, or from the relief afforded to local tax-payers. I would add, that for these reasons we are unable to recommend, so far as this Presidency is concerned, the adoption of the contemplated arrangements. We have thought it right, after giving our best attention to the proposals of the Government of India, to state fully the views which we entertain with regard to them. We trust that after a full consideration of these views, the Government of India will no longer be desirous of giving effect to the proposed measures; but it is unnecessary to say that, if we are disappointed in that hope, we shall do all in our power to ensure them prompt and effectual execution.

"N.B.—No time should be lost in sending our answer, as the financial statement is near at hand."

In a private letter to Lord Northbrook of the same date, Lord Hobart says :

“I am very sorry to say I cannot agree with you about salt. I thought it was settled between us that your duty (except for Bengal) should be reduced to two rupees, and ours raised to it. With that I should have been well content, but shall be obliged to give an opinion against your present proposals, which will not suit us at all. Is it too late to take a similar course and one less open to certain telling objections which are sure to be made? It will look bad to take off Income tax, and at the same time to raise Salt tax. I would rather have dealt with the other in a large and liberal way. You could have done it without loss of revenue as a *set off* against the abolition of the Income tax.”

On the 12th March, Lord Hobart again writes privately from “Government House, Guindy Park” :

“I feel sure you are right about the Income tax. As to salt, our official letter will fully explain our objections to the particular proposal made to us.

“If Temple is right in the figures he has given you, it is clear you cannot now reduce the tax in Upper India as was proposed. But is he right? And has he taken into account the saving in respect of the Customs line, and the gain from increased tax in Madras, and Bombay (I think we could not stand an increase to as much as 2-4), as well as the *certain* increase of consumption, whatever it may be, wherever the tax is lowered? I left with you a short memo. of mine (based on the figures given in a very able memo. on salt by one of your officers, whose name I forget), estimating that a reduction of the tax to two rupees *throughout* Upper India, with a corresponding increase in Madras and Bombay, would involve a loss of not more than £200,000.

“However, Temple is answerable for the figures; and they are of course more likely to be right than mine. I



will only say they simply astonish me. I am convinced of this—that, though there may be no outcry against salt in Upper India, the high duty is a great hardship there, and that whoever would reduce it would be conferring an immense boon upon the people which they would intensely appreciate.”

Again, March 27th, Lord Hobart wrote from Madras in a private letter to the Viceroy :

“I congratulate you on having got rid of the Income tax : and I hope that what has been done at the same time in regard to the local taxation will stop the mouths of ‘ad captandum’ objectors.

“Next year perhaps you will be able to deal with salt. Temple’s figures must have been arrived at on the supposition that there would be little or no increase of consumption, a matter in which financial departments are no better qualified to judge than other people : and I am satisfied that he is wrong. Now suppose the increase to be from 9 lbs. to 11 lbs. per head, it is impossible that the loss of income would be anything like £587,000. I say this only to show in what direction I think the error lies. You will know best whether or not I am right.”

Lord Hobart did not agree with the proposal made in the official letter from the Government of India, dated February 14th, 1873. The Government of Bombay having also raised some objection to the plan, no action was taken, and the general view adopted by the Government of India about salt, is given by the Viceroy in the following extract from a Minute upon the Income Tax, dated April 14th, 1873 :

“There is one portion of the financial system of India which has occasioned much complaint. I refer to the

Inland Customs line, the evils of which have been particularly brought to the notice of Government by the officers of the Central Provinces.

“This line is maintained in order to prevent salt, which is the produce of the Native States in Rajpootana, and therefore pays no duty, from entering our territories, and also to prevent the more lightly taxed salt of Madras and Bombay from entering those provinces where the higher duty is in force. We have been in communication with the Governments of Madras and Bombay with the view to the abolition of the southern portion of the line. We proposed to abolish that portion of the line, provided that the salt duty was raised from Rupees 1-13 to Rupees 2 in Madras and Bombay, and to divide between the Madras and Bombay Governments the whole net increase of revenue, amounting to £75,000, which was calculated to accrue from the operation. The view which we entertained was expressed as follows :

“‘His Excellency desires it to be clearly understood that this measure is undertaken without any view to enhancing the aggregate revenue derived from salt. His sole desire is to make a substantial move towards the abolition of those Internal Customs barriers which, however carefully managed, must impede traffic, and which, according to the reports recently received from the local officers in the Central Provinces, are attended by serious evils.’

“I hope that, although the Governments of Madras and Bombay have raised some preliminary objections, this arrangement may still be carried into effect, and a large portion of the Customs line be abolished. The Government considered and dealt with the subject on its own merits before they considered the Budget, and entirely apart from the Income tax.

“The abolition of the other or northern portion of the Customs line depends upon the possibility of making arrangements with the Native States, in whose territories

salt is produced, to prevent it from being introduced into British territory without the payment of duty. Although the object is one which may be properly kept in view, I can see no such immediate prospect of attaining it as would justify me in advocating the reimposition of the Income tax for the purpose of facilitating any such arrangements."

During the summer of 1873 the question of abolishing the Southern Customs line was again revived, and Lord Northbrook wrote privately to Lord Hobart, as follows:—

"I send you a draft of a letter\* which I think of writing to you about the Salt tax and the Inland Customs line. I am sure the abolition of that line is one of the first steps to take as regards finance, and if I can make a beginning in getting rid this year of the Southern line, I shall feel I have been of some use in my generation.

"I hope you will be able to agree to our proposal, and if you would like any modification of the letter, I shall be only too glad to consider any suggestion that may occur to you.

"My object in sending it is to avoid all needless controversy."

On June 28th, Lord Hobart wrote an answer:—

"I have just received your letter and enclosure about the salt question, but have not had time yet to read it carefully. I see that your draft letter argues in much detail the question of whether any increase of tax here would diminish consumption. But even if it had not that effect, I confess I have the greatest reluctance to increase a tax, which is, in fact, a poll tax upon the poor and helpless peasant of India. He would lose directly and palpably by the increased taxation, whilst he would profit *most* indirectly

\* Unfortunately no copy of this letter has been found among Lord Hobart's papers.

and inconveniently by the compensation to be given to us, and by the advantage to trade and social intercourse. If I might say it, I don't want your Viceroyalty (which is winning such golden opinions) to be associated with any such apparent injury to the millions who have no one to plead their cause. Of course I know that, in the general interest, there is much to be said for your proposals, and moreover that (as you have shown) you have the welfare of the poorer classes sincerely at heart: but the public only looks to salient facts, and is sure to misunderstand and misrepresent you. However, I have the greatest objection to the Frontier line, and need not say that I will read your draft letter with the most anxious attention, and see if I can agree. When I thought that you would have lowered your duty to Rupees 2, I would without hesitation have acquiesced in the increase of ours to that figure, because it appeared to me that the interest of the Madras peasantry might not unjustly yield to the interest of the much more numerous peasantry in Upper India. Now there is not the same motive. I suppose it is now considered out of the question that you should (even omitting Bengal) reduce your rate to ours. I wish it were not so."

Lord Hobart's answer to the Viceroy's proposals are most fully and deliberately given in the following letter:

"I have read and considered with the most careful attention your proposed letter about salt.

"Most of the arguments are of great importance with a view to a right decision, and the whole letter seems to me to be very closely, fairly, and cogently reasoned: but I am obliged to confess that I am not convinced. Even if the extra four annas for the trans-Godávári districts could be given up, I do not think we ought to acquiesce in the measure.

"The ground which I take is this. The proposal involves an increase of taxation upon an article necessary to

the life and health, affecting principally the class of agricultural labourers (of whom there are some ten millions) in this Presidency, and which by your figures amounts to about £100,000 annually, and by ours (which I think are at least as near the truth) to a great deal more. For this, compensation is offered to us, directly in the shape of £50,000 a year, and indirectly in the advantages resulting to trade from the abolition of the Customs line. But unfortunately, the compensation would be no compensation worth mentioning for the class chiefly affected: for after reading your letter, I must still maintain—(first) that it would be impossible to apply this £50,000 so as to give any such advantage to the labourers as would be *felt* by them to be any substantial consolation for the increased dearness of their salt: and (secondly) that the benefit to be derived from the improved commercial intercourse would affect only a very small number of our agricultural labourers, those near the Frontier Customs line, and these very partially, indirectly, and inconsiderably. But you contend that the increase of the tax would be so slight as not to be felt by the labourer. Taking our figures, he now pays on his salt (which he *must* have) a tax equal to  $1\frac{1}{3}$  per cent. upon his yearly earning, and to increase this tax by nearly 11 per cent. (it is about  $10\frac{7}{8}$ ) could not be otherwise than a serious injury to him. Taking *your* figures the case in this respect is not materially altered.

“You say that we were ready to agree to the increase, if the tax had been reduced for Upper India generally to two rupees, and therefore that we ought to be ready to do so now, when you assure us that the Imperial gain from the abolition of the line will be greater than from such a reduction. From what I know of the facts and figures, and judging from human nature and experience, I find it very difficult to understand how this can be the case; but admitting (for the sake of argument) that it is so, my answer is, that with the reduction to two rupees the Empire would have at the same time gained (as a matter of course and by implication) this very abolition of the

Southern Customs line. By the present proposal, the only Imperial gain is the abolition of the line : by the former there was :—1. The large reduction of the tax ; 2. The abolition of the Southern Customs line ; 3. The equalisation of the rate throughout India. For these three advantages to India generally, we were prepared to incur on the part of Madras the sacrifice involved in the increase of our tax by 3 annas ; for *one* of them, and that in our view not the greatest, we were not so prepared.

“Again, supposing that (which I think cannot be admitted) you had succeeded in showing that there was no reason to believe that the effect of the measure would be a diminished consumption of the salt here, that could only mean that the injury to the consumer would not be so great as we apprehended. It would not mean that he would suffer no injury from it. For what is certain is, that whether he consumed less salt or not, his salt would be dearer. The Salt Tax is a tax from which he cannot escape :—it is in effect a poll tax : and it is a mere truism to say that you cannot increase a poll tax without its being (*pro tanto*) more severely felt.

“I heartily wish that I could agree with you in this as I do in so many other most important questions.”

To have assisted Lord Northbrook in his wish to abolish the Frontier Customs line would have been more in accordance with Lord Hobart’s general views of financial policy, but the interests of the poorer classes in the Presidency seemed to necessitate an opposition which on other accounts he would have gladly waived.

On July 6th Lord Hobart wrote the following letter to the Secretary of State for India, the Duke of Argyll :—

“Some few months ago I wrote to you respecting a proposal which the Government of India had made to us, confidentially, with a view to the abolition of the Southern Frontier Customs line—the line which divides the Pen-

insula of India from Upper India—for purposes of the salt tax. The proposal was to dispense with all necessity for the Customs line by raising the salt duty in this Presidency generally by about  $10\frac{3}{4}$  per cent. (3 annas per maund it is now, 1-13 rupees); and as regards those parts of the Presidency which are near the Customs line to apply a sliding scale of salt tax, implying a much larger increase of the tax. By this complex arrangement, it was considered that the conditions would be so far equalised, that the revenue would not seriously suffer by the importations of the more lightly taxed salt of Madras into Upper India, and therefore that there would be no need of the line. Corresponding arrangements were to be made for Bombay, and £50,000 a year was to be given as compensation to Madras, and a proportionate amount to Bombay.

“We opposed the scheme—(1) because there is fair reason to suppose that any further increase of the salt tax here would diminish the consumption; (2) because to diminish the consumption of an article so necessary to life and health as salt is a great evil; (3) because the compensation (£50,000) offered is small compared with the extra taxation to be imposed, and which we estimated at £180,000; (4) because there is no way of applying this £50,000 in compensation to the class of agricultural labourers, who number some ten millions, and who would be the sufferers; (5) because Madras, for geographical reasons, suffers very little from the effect of the Customs line; because the Frontier Customs line is only one of the evils incidental to the system of differential taxes on salts, for which the simple and obvious remedy was the equalisation of the tax throughout India.

“For this purpose we should have been ready (though at the sacrifice of this Presidency) to agree to a small increase of our duty, but not for the partial and complicated remedy proposed, which not only did not cure, but increased the great evil—the existence of a differential rate of duty as between the different provinces of the Empire.

“I was in hopes that our opposition had induced the

Government of India to abandon the proposal: but Lord Northbrook sends me, quite *privately*, the draft of a rejoinder which he thinks of writing to us, which argues the question in detail, and yields only to the extent of lowering the rate of the 'sliding scale' duty which I have mentioned (I enclose a copy of a private letter which I have written to him in reply).

"Of the extreme unpopularity which this measure would bring upon this Government I should say nothing, but for the consideration that the great unpopularity of a proposed tax is always a cogent reason against it.

"It would be far better to leave the Southern Customs line alone for the present, than, just after we have removed the income tax from the rich, to increase not inconsiderably that which is in reality (considering the nature of the article taxed) a poll tax upon the poor. Possibly my letter may prevent Lord Northbrook from pressing the measure; but I am afraid that it may not have that effect.

"Lord Northbrook has satisfied himself that it would not be safe to diminish the salt tax for Upper India, which would (if it were feasible) be the most satisfactory course, and would win for him and the English administration in India a popular gratitude from which I should anticipate the very best results. I confess that for me it is very difficult to believe that this might not be done."

In the letter of July 2, 1873, to Lord Northbrook, as well as in his letter to the Duke of Argyll, Lord Hobart's reasons are given for objecting to even a small increase of the Salt Tax. The proposal to make any general increase was, in consequence, given up by the Government of India, and the abolition of the Southern Customs line was carried out by establishing a graduated scale of duty between Bombay and Bengal, and between Madras and Bengal.

Lord Hobart's first impressions upon the proposals



made were still in opposition to the measure in spite of all its advantages, and his letter to Lord Northbrook, of Nov. 7, 1873, fully expresses this. He writes from the Nilgiri Hills :

“I fear that you will think me very obstinate about salt; but the truth is that I could not bring myself to agree to any increase in this—the only tax which affects directly the consumption of the poorer classes anywhere in this Presidency. The particular increase which you suggest would, on the one hand, be of very considerable amount, and on the other would affect, though only a part of the Presidency, the very districts where the people are least able to bear any additional burden.

“The trans-Godāvāri districts contain a population of about five millions, who keep us in constant anxiety by their poverty and liability to famine from drought, which has of late years dealt very severely with them.

“As you say, the removal of the line must benefit (more or less) the districts adjoining it; but as regards the salt trade there would in this case be very little advantage to any one but the Government; and whatever benefit might result from the improved commercial intercourse would be felt so indirectly by the majority of the population as to be nothing like an adequate compensation to them for the greatly increased price of their salt.

“But really, from a financial point of view, I doubt if there could be any such very great advantage in the proposed exceptional treatment of these districts. Smuggling has already almost beaten us there, and would receive an immense impulse from any addition to the tax.

“Then there is the objection to carrying further the system of differential taxation, and the objections to competitions in finance which are always *pro tanto* undesirable. My own belief is (but of this of course you are a better judge) that, what with the gain as regards the Customs line, the increased consumption of salt, and

the stimulus to general trade, the revenue will suffer but little, and after a year or two not at all, by the abolition pure and simple of the line; and the measure will be the most easy and most natural step to the ultimate equalisation of the tax throughout India."

Though no official objection was made to the measure which was passed by the Government of India on the 21st of April, 1874, and though Lord Hobart was most fully alive to the very great consideration with which his arguments were weighed by the Viceroy in the public and private correspondence, the following extract of January 1, 1874, explains his private view of the matter in reference to a concession which it was supposed he had made. He said:

"Now the *very most* that I ever thought we ought to agree to was a general increase of 3 annas a maund; but this was only *on the understanding* that you were going to make a very considerable reduction in the salt tax in Upper India. I thought this Presidency might make the sacrifice for the general good.

"When, however, this reduction was no longer proposed, my concession was *ipso facto* withdrawn. There was no longer the same reason for it; *except* on the condition which I have mentioned, and which was afterwards withheld, I have never *from first to last* agreed to any increase of salt tax in the Presidency."

The last extract, from a private letter to Lord Northbrook, is dated March 3, 1874:

"We must do as you wish about salt, but I confess I should have been glad if your measures, however important, could have been effected without increasing, even to this very partial extent, the cost of life to our poorer population.

Your advisers must be able to judge much better than I can as to the financial exigencies of the case, otherwise I should have thought that in this, as in so many instances of the kind, the boldest and simplest measure was the best."

Thus ends the private correspondence on the Salt Tax. In the discussion of the Bill, which passed without opposition in Calcutta, the Madras Member of Council said, "That the Madras Government, having in view the advantages to be obtained by a much larger portion of the population of the whole Empire, had signified their approval of the measure;" and at the same time he expressed their "appreciation of the careful and favourable consideration which had been given to the Madras views on the question, and which had resulted in a considerable reduction of the increase originally proposed."

It will be seen that it was only after the most careful study of the question that Lord Hobart formed the opinion which led him to object to even the slight increase in the Salt Tax in Madras of 3 annas, or  $4\frac{1}{2}d.$  upon every 82 lb. of salt. In the beginning of the present year the tax was increased by 11 annas, or  $1s. 4\frac{1}{2}d.$  This would have been greatly regretted by Lord Hobart, and it is earnestly to be hoped that the measure may be only temporary.

It is perhaps difficult to realise the actual condition of the people for whose interests he so earnestly pleaded.

In the Report of the census for the Madras Presidency for the year 1871-72 it is distinctly stated that "The sales of salt, allowing for the consumption in other districts, are not so large as to warrant the assumption that every individual of the population gets the quantity of salt that is essential for the maintenance of vigorous health."

This statement is made by Dr. Cornish, who was the Sanitary Commissioner for Madras, and whose opinion carries also the weight belonging to the highest medical authority.

According to the figures given in the Census Report, the average amount paid by each individual in taxation in Madras, after making allowance for local inequalities, was Rupees 2-4-5, which is little more than 4*s.* 7*d.* per head ; of this amount, after making allowance for the sale of Madras salt in Mysore, Hyderabad, and the Central Provinces, the Salt Tax fell with an incidence of probably not more than annas 5 per head, equal to about 7½*d.*

In Lord Hobart's first Minute we see that the average income for a family of five persons was Rupees 120, or £12 ; thus the total taxation upon such an income amounted to Rupees 11-4-5, or as nearly as possible £1 2*s.* 7*d.* upon an income of £12.

It should be remembered that the expenses of such a family are entirely connected with food. There is not a penny to spare for illness, not a penny for education, among the poorest classes. Such a state of things must undermine the physical condition of the people, and it must also necessitate that very fatalism which saps their energy. Such poverty must also be a direct cause of the financial difficulty which is the only justification made for the increased taxation of the poorer natives. Necessities arise for sanitary measures, and also for some system of education. Government must undertake these expenses rather than allow the alternative of absolute ignorance, which in other words would throw upon it the responsibility of physical misery, as well as gross superstition and an incapability for morality among the masses to an extent which would largely increase the proportion of the criminal

classes and of the expenses necessary for the suppression of crime.

These considerations will justify the importance which Lord Hobart attributed to the question of raising a tax which would fall inevitably on the poorest classes in the Madras Presidency.

Increased taxation of the poorest natives seems to work in a very doubtful direction, and as if it would necessitate a further outlay in the future in the interests of an impoverished and discontented population. Any proposals for increased taxation in Madras must now fall upon a fever-stricken and famine-stricken country. It must be remembered that the direct cause of starvation during the recent famine was the high price of food. Food was to be had in nearly all the markets or bazaars, but at too high a price; so that in one sense it was literally a financial famine. Increased taxation of the poorest classes seems therefore a questionable weapon for averting the recurrence of famines in India.

## APPENDIX II.

SOME of the speeches made by Lord Hobart in the Madras Presidency bear so directly on the questions discussed in the preceding pages that they ought not to be omitted. The first was made soon after his arrival in Madras.

*Note of LORD HOBART'S Speech on Distributing Prizes at the Musalman College in Madras, May, 1872.*

“The proceedings, Gentlemen, being now closed, I shall detain you only for a moment that I may express the very great pleasure which it has been to me to preside here to-day, and to distribute these well-merited rewards. This school has for me a special and peculiar interest. It has been my fortune—my good fortune I should say—to live much among Musalmans; and I have had an opportunity of observing the nobleness of character and the many virtues which accompany the profession of that faith. And it is especially gratifying to see here the sons of Musalman parents availing themselves of English institutions to lay hold of that priceless treasure, knowledge—knowledge, which is the key to power, wealth, and fame: or rather, I should say (for that is much more important), which is the secret of a happy and a useful life. It is the more gratifying to me because for some cause or other, and to the bitter disappointment of those by whom the educational system for India was framed, the Musalmans of India have not taken advantage of that system, and are represented by a very small minority in our schools. That this is not as it

should be is greatly to be deplored. Whatever may be the cause (and into that question I need hardly say that I shall not now enter), whatever may be the cause, I will hope that it may soon disappear; and that throughout the length and breadth of the land we shall see the Muhammadan youth of this country flocking to our schools and colleges, there to qualify themselves for a position in the public service and in the affairs of life suitable to their high mental qualities, and to their well-known aptitude for the business of administration.

“Now as to the condition of the school. There is, I think, much to encourage us. As we have heard this evening, it has for many years been advancing in efficiency. Of late it has knocked annually at the door of the University with, on the whole, increasing success; and in the present year one of its pupils has obtained a Bachelor of Arts degree. The conduct of the pupils, and the zealous efforts of the teachers under the able direction of the head master, appear to be deserving of the highest praise. I trust that conduct and those efforts will continue; and if that be the case, I will venture to predict for this interesting and important institution a yet more prosperous future.”

*LORD HOBART'S Speech at the Meeting held in the Banqueting Hall, Madras, on Monday Evening, in aid of the Famine Relief Fund.*

“MR. SHERIFF, LADIES, AND GENTLEMEN,—It seems unnecessary that I should occupy your time with any long explanation respecting either the nature or the importance of the purpose for which we are assembled here to-day. A calamity of which you have all heard—unparalleled, as I believe, both for geographical extent and for numerical incidence, in the modern history of India—is descending with terrible certainty upon some of the most densely-populated districts of this Empire.

“Rain has recently fallen in those districts, and has affected favourably the prospects of the more distant future;

but the prospects of the more immediate future continue to be such as to justify the gravest apprehensions, and tax to an intense and painful degree the energy and courage of those whose special duty it is to appreciate and face them. Past experience has illustrated the difficulties and enhanced the anxieties of the problem to be solved; and it is scarcely possible to exaggerate the claim, both of the problem itself and of those who are expected to solve it, upon the sympathetic interest of India, of England, and of the world. The coming evil was early foreseen; and whatever the prudence, ability, humanity, and devotion to the general welfare which are conspicuous in the statesman now at the head of the Government could do to prepare for it has been done. Nor can I doubt for a moment, reasoning from what I know of Lord Northbrook's character and capacity, and of Sir George Campbell's great powers and self-sacrificing zeal, I cannot doubt for a moment that a very large measure of success will attend the official action which has been taken to soften, if it cannot avert, the blow. But it is none the less true that a very serious and pressing obligation is now imposed upon us all. Millions must suffer; millions must be in danger of suffering. It was at first supposed that the emergency might be effectually provided for without the aid of private benevolence; but we have it now from no less an authority than the Viceroy himself that the time and the circumstances are upon us when there is ample room for private benevolence by the side of public administration; when there is fear of additional misery and disaster if private benevolence should refrain from appearing upon the scene to comfort and to save. Therefore a great meeting has been held in Calcutta, and a Central Committee of Relief appointed, with already the most promising results. Her Majesty the Queen herself sent immediately to the Committee a donation of a thousand pounds from her private purse; and a well-attended meeting has since taken place in London, at which many thousands of pounds were at once subscribed. Landowners and other persons of wealth and influence in upper India have set an example of



the most liberal co-operation, and the subscription list presents (as I am glad to observe) a rapidly improving appearance. With respect to our own contributions, there is one consideration which I must request you to bear in mind. It seems possible that their amount may be injuriously influenced by the feeling that more imperative obligations may shortly be laid upon us by scarcity in our own agricultural districts. I have therefore much satisfaction in assuring you, in the words of a communication addressed to me by the Viceroy, that 'the operations of the Central Committee will not be confined to the Province of Bengal, but will extend to any districts in which distress may arise in consequence of the drought of last autumn.' There is need, then, of our utmost exertions. That meeting in Calcutta was in effect an appeal to the provinces of the Empire—among which this Presidency stands foremost in political rank—an appeal to the provinces of the Empire for sympathy and support. We must not, we cannot, hesitate to respond to the call. To refuse would be to forego an inestimable privilege, and to let slip a precious opportunity, the privilege of participation in a great Imperial confederacy, formed for the noblest of all human objects—the alleviation of human suffering. The opportunity is that of assisting to win for the people of England a way to the hearts of the people of India, by showing that we can make common cause with them in their distress, and come forward to relieve it, not only from the proceeds of public taxation, but with personal sacrifices such as we might incur for those whom friendship or kindred binds closest to our side. I feel that I need say no more to ensure the success of the invitation. I am certain that I may leave it with confidence to your care, confident that our answer will be such that we may look back upon it with satisfaction when the shadow of this great trouble shall have passed away."

*Reply of His Excellency to an Address from the Muhammadans at Trichinopoly, November 21st, 1873.*

“GENTLEMEN,—Your kind words of welcome and approval are extremely gratifying to me. Your appreciation of my efforts to redress, in fairness to the Musalman population of Southern India, inequitable disadvantages—due not to design, but to accident—is in keeping with the amiable and high-minded dispositions which it is my good fortune to have had some opportunity of observing and experiencing in a great Muhammadan community. You say, gentlemen, that those who accuse you of disloyalty and insubordination calumniate you, and, for my own part, I never doubted for one moment that they did. I believe that there are no more loyal or well-disposed subjects of the British Crown; no race or people with more sense to appreciate, or more generosity to acknowledge, the value of a just and powerful Government such as that under which you live.

“Do not mistake me, gentlemen. Whatever I have been able to do in this matter has been prompted and is justified by a simple regard to distributive equity. I am certain that the Muhammadans of India do not expect or desire exceptional privileges.

“Let me thank you, gentlemen, again, on Lady Hobart’s part as well as on my own, for your most acceptable and encouraging assurances of esteem and regard.”

*His Excellency’s Reply to the Hindoo Address, Trichinopoly, November 21st, 1873.*

“GENTLEMEN,—It has given me very great pleasure to receive your address. I cannot wonder at the fact to which you refer, that this city has been the object of many a former visit such as mine. It is in truth a city which is doubly interesting, a city abounding in picturesque attractions, in imperishable historic memories, and in time-honoured triumphs of Oriental art, but abounding also in

that which I may be excused for regarding as of still deeper interest, unquestionable indications of increasing intelligence, improving health, and advancing civilisation.

“You will not expect me, gentlemen, to offer at this moment any observations in detail upon the many questions of political administration which you bring to my notice. It affords me much satisfaction to learn that the measures which have been taken for the abolition of the house tax, for the prospective abolition of the professional tax, and with a view to prevent any increase of the salt tax, have met with your full approbation. I am well aware that the pressure of recent local taxation is still severely felt, and my best efforts have been, and will continue to be exerted to provide against any addition to the burden, and, so far as may be possible, to alleviate it.

“The subject of the administration of the Pagodas is of the highest importance, and your suggestions respecting it will occupy the serious and anxious attention of the Government on my return to Madras.

“Your representations respecting irrigation works, respecting the demarcation of survey fields, respecting channel conservancy, and respecting the ‘decentralisation’ of finance, will also receive that careful consideration which they undoubtedly deserve.

“On Lady Hobart’s account, as well as on my own, allow me to thank you, gentlemen, most sincerely for your cordial expressions of sympathy and good will.”

*“The Address of the Hindoos and Muhammadans of Tanjore to the RIGHT HONOURABLE VERE HENRY HOBART, LORD HOBART, etc., etc., etc., Governor of Madras.*

*“November 22nd, 1873.*

“May it please your Excellency,—We, the undersigned, on behalf of ourselves and the other members of the Native community, both Hindu and Muhammadan, heartily welcome your Lordship to our ancient town, and, in com-

memoration of your visit, beg leave to present the following address :

“Short as your administration has been, it has been marked by important events calculated to improve the condition of the subject millions. Soon after your Excellency assumed the reins of government, your attention was directed towards ameliorating the condition of the Muhammadans; they have been provided with elementary schools where they are taught through the medium of their own vernacular, and greater facilities have been afforded them for gaining admission into the ranks of the public service.

“From the commencement of your administration, your Lordship has directed your earnest efforts towards providing the country with a system of elementary education; but in your anxiety for such a measure, you have always taken care not to increase the burdens on the people who have been already sufficiently taxed. It was in this spirit that your Excellency passed the Minute of the 28th of March, 1873, directing the abolition of the house tax throughout the Presidency, and thus allayed the strong feeling of popular discontent which the expected imposition of the cess had created. When, consequent on the abolition of the income tax, the Imperial Government proposed to make up the deficit by an increased duty on salt, in strong terms did your Excellency protest against the measure, and thus averted a contingency which would have endangered the life and health of the poorer classes. In keeping with the same line of policy is the proposal of your Lordship's Government to do away with the professional tax in all Municipalities, a tax which in its incidence peculiarly affects the petty tradesmen and artificers.

“The policy of your Excellency's Government has been ably sketched out in the address delivered by you when presiding at the last Anniversary Meeting of the Lawrence Asylum at Ootacamund; it is ‘to cherish, improve, and elevate the millions committed to your charge,’ to obliterate the differences that exist between the conquerors and the conquered, and thus ensure the permanency of the British

dominion by resting it 'not on the narrow edge of the sword, but on the broader basis of the people's happiness.'

"These are no doubt very noble views, and it is our fervent wish and hope that your Excellency, with the aid of experience derived during your tour of inspection, may be able fully and effectually to carry them out.

"We beg to subscribe ourselves, your Excellency's most obedient and humble servants."

*Reply to an Address from the Hindoos and Muhammadans of Tanjore, November 22nd, 1873.*

"GENTLEMEN,—Your address has afforded me, I can assure you, the most sincere pleasure. It is a very great satisfaction to me to find that you approve and appreciate my anxious endeavours to promote, without distinction of race or creed, the welfare of the people of this country. I have always felt, and painfully felt, how imperfectly I am qualified for doing justice to the great interests committed to my charge. I can only say that no exertion of mine has been or shall ever be wanting which can contribute to that end.

"You have adverted, gentlemen, more particularly to certain measures which have been adopted during my administration, and respecting these I will say no more than that my earnest desire and primary object has been to study the claims and requirements of all classes of the community, but especially to protect and improve the condition of the poor, and to find some gradual remedy for their ignorance, without adding to the burdens which they are called upon to bear.

"Your kind recognition of the interest which Lady Hobart has taken and continues to take in female education, is most gratifying to us, and in her name as well as in my own, I thank you, gentlemen, for your good wishes and your most cordial welcome."

*“Educational Address from the Teachers of the Wesleyan Mission School, Negapatam, to the RIGHT HONOURABLE VERE HENRY HOBART, LORD HOBART, Governor of the Madras Presidency.*

“May it please your Excellency,—We, the teachers of the Wesleyan Mission Schools of Negapatam, avail ourselves of your Lordship’s presence on this occasion to express our loyal attachment to that Government of which your Lordship is the distinguished representative, and we the favoured subjects.

“The educational advantages we have enjoyed—the good effects of which we are now reaping, as well in mental pursuits to which we had otherwise been strangers as in honourable positions for which we had otherwise been unqualified—are not the least of the benefits for which we are indebted, and for which we trust we shall ever feel profoundly grateful to the Government it is your Lordship’s prerogative to direct.

“We trust it will not appear presumptuous in us if we venture to remark that in our humble opinion the Government to which we already owe so much has something still to do before it can, in the matter of even higher education, leave us entirely to ourselves. We think we are not yet come to an age when the parent that has fostered us in our educational infancy so wisely and so well would be justified in leaving us to our own unaided efforts.

“Still more do we, as teachers, deprecate the handing over of the elementary education of our nation to those who in some places may carry it on with the utmost enthusiasm, but in others may regard it with something worse than indifference.

“Trusting we have not exceeded the bounds of propriety in thus declaring our views, and with every expression of

loyalty and esteem, we are, your Lordship's most humble and obedient servants,

K. RAMANUJA CHARI,  
P. VASUDEVA NAIDU,  
M. V. ARAYANA SASTRI,  
S. VARATHU TYENGAR,  
S. SRIRUNGUM CHETTY,  
A. KUMARASAWMI CHETTY,

A. RAMANUGA CHARRY,  
T. M. SUVISESHA,  
MUTTU PILLAI,  
D. SAMIDASOS PILLAI, and  
W. S. CROSS PILLAI.

"WESLEYAN MISSION SCHOOL, NEGAPATAM,  
"November 25th, 1873."

*The Governor's Reply at Negapatam, November 25th, 1873.*

"GENTLEMEN,—Your address, and the expressions of loyalty and attachment to the Government which it conveys, are extremely gratifying to me. It is satisfactory to find that you are fully sensible of the advantages which you have derived from the assistance afforded by the State to voluntary education; and for myself I may sincerely say that no one can more highly appreciate the benefits—the incalculable benefits—which the voluntary efforts of the Wesleyan and other missionary bodies have conferred upon this country.

"You have raised, gentlemen, certain questions of educational policy which you will not expect me now to discuss. I will only entreat you to leave these questions in the hands of the Government, in the full confidence that they will be anxiously considered and deliberately decided, with a due regard to the interests of all classes of the population."

*LORD HOBART'S Speech on the Education of the Women of India, at the Annual Distribution of Prizes to the Pupils attending the Girls' School of HIS HIGHNESS THE MAHARAJAH OF VIZIANAGRAM, at Patcheappah's Hall, Madras, April 6th, 1874.*

"LADIES AND GENTLEMEN,—I may assure you, on Lady Hobart's account, that she has felt no ordinary interest and

gratification in presiding here to-day. I know that she considers it not only a pleasure but a privilege to see before her so bright and intelligent an assemblage of grateful students as this Hall contains, and to have been instrumental in the reward of so much successful industry; a deeper pleasure and a higher privilege to take any part whatever in the promotion of a cause upon which such mighty issues are depending—the intellectual improvement of the women of India. That cause is indeed important. Nations rise or fall, are happy or are miserable; and it is not too much to say that the course which they follow depends, more than upon anything else, upon the mental condition of the feebler half of their population. Man, in his maturity, stands forward in the forefront of the battle of life. Ostensibly and directly his ambition, his intellect, his energy, and his courage, give to history its colour, and to social institutions their tone. But it is to feminine teaching and association that are all the while owing his language, his thoughts, his moral development, the character of the object which he pursues; it is the mother, the wife, and the sister, who shape the destinies of the world. Therefore we have every reason to rejoice in the success of these institutions; therefore we have every reason for gratitude to the munificent founder who, in the direction thus given to his bounty, has struck the true key-note of national advancement—has seen, with an unerring instinct, that the most patriotic employment for his wealth lay in the furtherance of this movement for female education, which I trust is already beginning to make itself felt, and will flow onward for the future in an ever-increasing current of gentle but resistless influence, fraught with new life, and happiness, and prosperity for this great empire, in the days that are to come.”

The appreciation of Lord Hobart's administration which is expressed in the following letter from the Chamber of Commerce, dated the 8th of March, and which was addressed to himself, was becoming general before there was an idea



that his labours were so soon to cease. The extracts from the newspapers about the Harbour, about the improvements in the General Hospital, and the comments given immediately after his last speech was made, prove also the prevalence of the same feeling.

“THE CHAMBER OF COMMERCE, MADRAS,

“8th March, 1875.

“*To the* PRIVATE SECRETARY *to* HIS EXCELLENCY THE GOVERNOR.

“SIR,—I have been charged by the Chamber of Commerce with the very agreeable duty of begging you to convey to His Excellency Lord Hobart the cordial acknowledgment of the mercantile community, of the invaluable services that he has been the means of rendering to local commerce in connection with the Harbour project. The sustained interest that his Lordship has taken in that scheme since his arrival in India had encouraged the Chamber to anticipate a settlement of the question in harmony with his and their views, but they were not prepared to receive the announcement that the Secretary of State had already sanctioned the undertaking. They feel satisfied that this decision of a matter that has been nearly seven years under the consideration of Her Majesty's Government is mainly due to Lord Hobart's personal exertions to serve this port and the Presidency at large. I need not venture to remark on the advantages to Madras commerce that may reasonably be expected to accrue from the great work that has been sanctioned, for his Lordship would not have given the scheme his support had he not fully recognised the importance of the anticipated results; but I may be permitted to say that the Chamber congratulate themselves on the chief requirements of this port having secured at His Excellency's hands the attention that they demanded. His Lordship has assisted in conferring the greatest possible boon on the commerce of the Coromandel coast, and the Chamber trust that years hence, when the work which will

chiefly owe its existence to His Excellency's advocacy is completed, it will be a permanent source of gratification to Lord Hobart to know that he earned the gratitude of the mercantile community, which I have now, on their behalf, the honour of expressing.

"I have the honour to be, Sir,

"Your most obedient servant,

"CLEMENT SIMPSON,

"Chairman."

"*South of India Observer*," March 13th, 1875.

"A HARBOUR FOR MADRAS.

"Lord Hobart has at last reached the heart of the *Madras Mail*. It is a long lane that has no turning; Lord Hobart has been treading the long lane, we will not say wearily, for the traveller that has set a goal before him is never weary until it is reached, and then success makes him forget the impediments that were in the way, or, if remembered, only as victories won. There is a road to every man's heart, if only it can be found; some men are touched through their pockets, some through their *amour propre*, some through their affections. But the *Mail*, more philanthropical than these, has been touched through its spirit *pro bono publico*, and Lord Hobart, erewhile maligned and condemned as a Governor who preferred refreshing his constitution in a cool climate to wasting his energies in a hot one, has at last received a modicum of praise in having achieved that which his predecessor, much as he disliked the Neilgherries, failed to do. The Governor of Madras, though present in the country, has not lost sight of the interests of the town. Doubtless those interests would not have received the same careful consideration had his Lordship's constitution, and through it his abilities, been enervated by a lengthened residence in the plains. The spring of 1875 will be remarkable in future chronicles of Indian events as the date when sanction was given for the construction of a harbour in Madras. The date of

driving in the first pile will be second in importance only to the day when the harbour will be open for practical use ; but the Governor of Madras of that day will be second in the matter, though he may have the *éclat* of opening the harbour. It is the name of Lord Hobart that will be immortalised in connection with it. The *Mail* informs us that the lengthy despatches on the subject were written by the Governor's own hand. That his arguments were strong, and reasoning forcible, the result testifies ; it is surely better for the interests of the Presidency over which he rules that a Governor's right hand should be employed in inditing despatches than in shaking hands with crowds of people. But the *Mail* did not know that while the Governor was, in its opinion, neglecting to gain the golden opinions of society, he was all the time interesting himself for the good of the Presidency at large. Lord Hobart held his own counsel, bided his time, and has come out with honours. It is acts such as this that leave their '*footprints on the sands of time*,' not social distinctions. These are washed away by the next wave of society, and the place thereof shall know them no more. The change in the date of the departure of Government from Madras is also significant that when there is work to be done in the Presidency town, Lord Hobart will be found at his post. In our leader of last week's issue we congratulated the country in having such a master-mind to regulate its affairs as the Marquis of Salisbury. Our felicitations were not premature nor groundless. In our present Secretary of State for India we have a practical man, one who carries out the promise of his speech. Let us hope that a new era has dawned upon Madras—the day come which will pave the way for enlightenment to the *benighted* Presidency. It is impossible, all at once, to calculate the innumerable benefits that a safe harbour will confer on Madras. The trade that has been gradually departing from its coast will soon be brought back, and the hopes of the merchants run high. How much property and loss of life might have been spared if this same harbour had been begun ages ago!

Madras was chosen as the port, on the Eastern Coast, for British trade, and Fort St. George was built to protect that trade more than two centuries ago. Successive Governors have represented the Government of England, and each, in his turn, has endeavoured to make himself famous; but it has been left for Lord Hobart to achieve the distinction of having his name associated with the greatest work done in Madras in this century. Mr. Parkes is the favoured individual whose scheme is accepted. He is lucky in having Captain Taylor as the Master Attendant of the Madras roads, at the time the work is likely to be commenced, as he will doubtless take an active interest, and be a willing coadjutor in the work. The only regret the public can have in the matter is that it was not sanctioned before. The *Athenæum and Daily News* informs His Excellency that he has been his own enemy, and has brought depreciation on himself by not having taken the press into his confidence, and admonish him not to be so reticent in future. Lord Hobart may have argued with himself that if he had made known the work on which he was engaged, and, after all, it had not been successful, his name would have been associated with failure, whereas now it is coupled with success."

Two extracts which follow recall the conversation which we had when I showed him the articles. The success of his speech had delighted all his immediate friends, but he turned to the article on the Hospital, saying that the improved condition of the Hospital was a far greater satisfaction to him. The efforts made for the improvement of the Hospital belong to matters of detail which could scarcely be recorded, but the work was one which he had taken to heart with the same quiet determination to carry a complete reform with which he had persisted in his measures to secure the Madras Harbour.

The ladies who began the Nursing in the Madras

General Hospital were the very first who started the work in Madras, and the experiment has proved successful, though it encountered the difficulties which seem inseparable from the organisation of a hospital staff, difficulties which belong to hospitals everywhere, and unfortunately mar but too often the divine work of healing the sufferings of the poor.

*“The Madras Mail,” April 20th, 1875.*

“THE LADY-NURSE EXPERIMENT.

“The introduction of a trained European Superintendent to supervise the nursing in the General Hospital is one of the measures of practical utility by which, it is to be hoped, Lord Hobart’s reign will be gratefully remembered. The measure was sensible and good, and it was carried out with creditable vigour and promptitude. Those who know how any Indian scheme is apt to get buried under superincumbent masses of official correspondence, must congratulate the Governor on having rescued this project from the common fate, and brought it into actual working within a period which in most cases would scarcely suffice for the disposal of preliminary objections from the India Office. The facts of the case are simple. About two years ago a visitor to the Hospital brought to Lord Hobart’s notice certain irregularities and shortcomings in the Hospital arrangements, especially in connection with the nursing, which appeared to call urgently for reform. Lord Hobart appointed a Commission of Doctors, who reported that the visitor’s account was in no wise exaggerated, and that the nursing in the hospital was very far from what it ought to be. The gist of the matter lay in a small compass. The nursing was performed, not by trained nurses under skilled supervision, but by a set of apprentices who consented to serve a few months in the hospital on condition of being subsequently trained in the lucrative profession of mid-

wifery. This scheme had only one recommendation—economy. In every other respect it was as bad as possible. It produced a continual stream of raw, ignorant, untrained young women, with no special aptitude or taste for the work, and no intention of devoting themselves to it; and it left these persons without any pretence of adequate supervision or teaching. The result was all that was to be expected, and Lord Hobart did the only reasonable thing under the circumstances when he resolved to apply a stringent remedy at once: not to leave the hospital patients to be practised upon by ignorant apprentices, but to secure a person whose knowledge, skill, experience of European hospitals, and not least, whose character, influence, and example might raise the hospital nursing to a high degree of excellence, and turn out young women who should be in every respect what trained nurses ought to be. It was resolved to secure the services of an English lady of experience in hospital affairs, and of a matron who should act as her first lieutenant; and in the course of last summer it was announced that the appointment had been made, and that two English ladies, one of whom was to be Superintendent, and one to be Matron, would in the course of a few months arrive to carry out the new system."

"LORD HOBART ON EDUCATION.

"Lord Hobart, yesterday evening, at the Anniversary celebration of the Presidency College, fairly took everybody by surprise by an extempore speech that was not only admirably delivered, but was also singularly able and manly. It was incumbent upon him to refer to the educational policy of the Government, to higher and to primary education—subjects that have, one might well imagine, been worn threadbare. . . . Yet His Excellency had a great deal to say that, if not altogether novel, was clad in a new garb, and had the ring about it of being something better than periodic palaver. His elocution showed high culture, his language was well chosen, graphic, and forcible; and his

arguments were marked by that plain common sense which is his Lordship's chief characteristic. It was desirable in the present state of public opinion that he should state his own views frankly, and this he has done in a manner worthy of all praise. We publish a report of the speech in another column."

*"The Madras Times," April 29th, 1875.*

"OUR LATE GOVERNOR.

"The career that has just closed so suddenly and prematurely offers but few materials for biographical comment, such as would be appropriate at the present time. Lord Hobart lived so much in the recesses of his own study, and so seldom addressed the public on public questions, that, viewed by his public utterances alone, his career might be pronounced meagre and uninteresting. But those who knew his Lordship best—those who had the opportunity of observing his zeal, perseverance, and aptitude for business—know that, in losing Lord Hobart, we lose an administrator of no mean worth. He was not a man to bid for popularity. He proposed no ambitious legislation by which all desirable things were to be provided for the people at the cost of nobody. On the contrary, he recognised the truth that 'the land needs rest,' and gave the Legislative Council an almost uninterrupted holiday. In this he did no injustice to the country. Rest is, indeed, what the land wants—rest from innovating and over-improving legislation—and Lord Hobart's attitude of masterly inactivity in this respect has been more beneficial to the country than the most ambitious efforts of fussy reformers could have been.

"To the cause of education Lord Hobart has ever been a staunch friend, and his last public utterance showed that he was fully prepared to place the educational system of the country upon a sounder and more liberal basis. The manner in which Lord Hobart befriended the Muhammadans of

Madras is matter of history, and certainly, if any public man ever fairly earned a title to gratitude, Lord Hobart's memory should be fondly treasured by every true son of the Prophet. Whether the preference of race was, or was not, carried too far by his Lordship is not a question that we mean to discuss; but it certainly was a benevolent and politic thing to give a helping hand to a race once so proudly placed, and now so sorely depressed as the Muhammadans of India.

"He took a keen interest in the welfare of the Presidency, and the manner in which he worked on behalf of the Harbour scheme—worked quietly and unseen, but effectively—is a good example of the kind of work that Lord Hobart did for us. The work was not showy, but solid and useful.

"Whenever Lord Hobart did appear in public, he gave evidence of abilities that might have enabled him to perform the brilliant, as well as the useful, functions of a Governor. His very last speech, uttered while suffering from the disease that carried him off, was so fine an effort of oratory and so statesmanlike an exposition of policy that very high expectations were formed for the future. . . . Lord Hobart will be remembered in Madras as a zealous, conscientious, and sensible administrator, who might also have been a brilliant politician, had the Indian climate been kinder to him."

"At a meeting of the Musalman community held in the premises of the Muhammadan Library at Triplicane, on the 2nd instant, at which Hyder Jung Bahadur, Jerath Jung Bahadar, Abdool Ghani Khan Bahadoor, Honorary Surgeon Moideen Sheriff, and Mahomed Yusuff Sahib were present, an address was adopted, from which some extracts are given. The address is to be engrossed on parchment and encased, and then forwarded to Lady Hobart:—

" 'MADAM,—We, the representatives of the Muhammadan community of Madras, beg respectfully to approach your ladyship to express our heartfelt sympathy for the great



sorrow and affliction which have befallen you, and to assure you that the bereavement under which you now mourn is felt by our community with a keenness only second to that of your sorrowing relatives. Were more generous sentiments wanting, in a whole community such as we represent, to endear to them the esteemed qualities of your lamented husband (and it would be an outrage to humanity on the part of any one to ignore such sentiments altogether in such a case), the remembrance at least of his important special services to our community cannot fail to bind with attachment the heart of the most unthinking Muhammadan. Permit us therefore to make, on this mournful occasion, our humble acknowledgments of some of the grounds on which we feel ourselves under a lasting obligation to cherish with honour and gratitude the memory of our deceased Governor. Lord Hobart took his seat as Governor of Madras in 1872, and filled this high office only for a period of about three years. During this period, short as it was, his attention to the administration in all its departments has been such as to draw forth eulogiums from all sections of the public—Muhammadans, Hindoos, and Europeans. He has been acknowledged to have been a student and a philosopher endowed with a contemplative mind richly stored with knowledge, free from any trace of selfishness or vanity, and intent on doing good to his fellow-beings, regardless of race, condition, or creed; to have exerted himself in an unobtrusive manner to promote the welfare of the Presidency and especially that of its chief city; and to have been peaceful by nature, by study, and by principle. Without, however, enlarging on the late Lord Hobart's measures of universal good, applicable alike to all classes of the public, in which the Muhammadans came in only for their proper share, it becomes us in this place to dwell more especially on the benefits of which our community has been the particular recipient. Perceiving that the true cause of the backward state of western education in our community was owing chiefly to the great disad-

vantage in which the Muhammadan youths were placed, in consequence of the primary instruction not being conveyed to them (as in the case of the Hindoos) through the medium of their vernacular language, he directed the establishment of two new elementary Anglo-Hindoostanee schools at Arcot and Vellore, and of corresponding classes in the existing schools at the principal centres of the Muhammadan population, such as Trichinopoly, Cuddapah, Kurnool, and Mangalore. Orders were issued at the same time, prescribing the arrangement for ensuring an adequate supply of qualified Muhammadan teachers and appropriate Hindoostanee text books. As part of the same plan, the highest classes of the Madraissa of the Metropolis (Maddrassai-Azum) were transferred to the Junior Department of the Presidency College, with the additional advantage of a reduction of fees. In view to the advancement of classical education, the Director of Public Instruction was instructed to suggest or sanction a scheme for providing instruction in Persian in the Presidency College, and in any of the higher schools where there may be a sufficient number of Muhammadan pupils. Having thus provided increased facilities for the advancement of education among the rising generation of Muhammadans, Lord Hobart was equally solicitous of raising the social status and prospects of the elders of the community; remarking the almost complete exclusion of the Muhammadans from any share in the administration of the country which they once ruled to be a political and social evil, Lord Hobart directed the employment and promotion, as opportunity offered, of a fair proportion of qualified Muhammadans in the public service, and, by a second and a third order, sought with solicitude the serious enforcement of this measure by all the heads of departments. Not the least among the means by which Lord Hobart rendered himself dear to us was the kindness and courtesy which he invariably showed in his personal reception of native gentlemen.' ”

*The "Daily News."*

## "LORD HOBART'S FUNERAL.

"The latest mail from Madras which has reached England contains accounts of the shocking scenes enacted at the funeral of Lord Hobart, the late Governor of that Presidency ; and we are able to supply a few further particulars from private sources of information. No public event in Southern India since the death of Sir Henry Ward, in 1860, when he was Governor of Fort St. George, has for the last quarter of a century created such a wide and profound impression amongst European and Eurasian, Hindu and Musalman alike. The crowds attending Lord Hobart's funeral are said to have been past all computation. Musalmans, who always looked upon Lord Hobart as their special protector, are said to have followed the cortége with the loudest expressions of Oriental grief. Officers and gentlemen were requested, through the official bulletins, to join the funeral immediately after the procession had debouched from the great iron gates of the Presidency House 'Compound.' The Presidency House is a very large and imposing structure, and, with the Banqueting Hall, is situated in a broad park, containing pet antelopes, peacocks, stabling for nearly 200 horses, long avenues of trees, and a lotus-covered lakelet. The road along which the funeral procession passed winds from the Government House by the side of the white walls of the great Banqueting Hall, past avenues of tamarind, portia, banyan, and neem, beside the bank of the river of Madras, the 'Cooum,' to the eastern gates, and the red 'Marine Villa,' close to the 'Wallajah' Bridge. It was at the entrance to this bridge, across the Cooum, that the private procession was met by the military and civil European inhabitants of Madras preparatory to accompanying it, with considerable display, to the precincts of Fort St. George. A Madras journal thus describes the startling scene which followed :

"For hours before the time appointed crowds of natives were to be seen wending their way towards the

"Island." Both sides of the road, from the Wallajah Bridge right up to Government House, were densely lined by throngs of Eurasians and natives. About five o'clock those gentlemen who wished to attend the funeral began to arrive, and, descending from their carriages, took up their places close to the bridge, their carriages being driven on to the "Island." Behind these carriages were the field-guns, which fired both the minute guns and the salute after the funeral service was over. Perfect order was kept by the men of the 13th Regiment up to the time of the procession from Government House arriving. Soon after the band had passed there was a halt for some minutes to permit the Acting Governor, the Hon. Mr. Robinson, the Commander-in-Chief, the Hon. Mr. Ellis, Mr. Huddleston, Mr. Carmichael, the Chief Justice, and the party from Government House to descend from their carriages, and take up their places behind the gun-carriage bearing the coffin. This halt over, the procession again moved forward, when there was a rush made by the Eurasians and natives who had been lining the sides of the road to force their way across the bridge. The soldiers did their best to keep the heavy mass back; butt-ends of muskets were freely applied; officers on duty charged again and again, but all to no purpose. Several of the crowd succeeded in pushing their way through the line of soldiers, which was far too thin to have kept the ground properly; and, failing to get on to the centre of the bridge, made their way across the wooden platform on the left-hand side. So great was the crush that the platform was soon densely crowded, and the passengers being unable to get off on to the road quick enough, the far end of the wooden platform gave way under the ever-increasing strain. Before the procession was three parts over, a loud crash was heard, and in an instant 80 or 100 persons were flung headlong down into the river below, many on the platform succeeding in scrambling over on to the road, or the number that would have been flung into the water would have been still greater. Assistance was at once rendered by several of the officers and gentlemen

in the procession; and the men of the 13th N.I. did their duty in doing all in their power to extricate those in the water, who had been so injured by the fall that they were unable to make their way out, or who were altogether unable to swim. Up to a late hour last evening the total deaths from the accident amounted to seven. At least, only seven bodies had been recovered, and on these being conveyed to the General Hospital life was found to be quite extinct, although Drs. Balfour, Furnell, Cockerell, Thompson, and Brockman were on the spot, and at the hospital, rendering all the aid they could. The Rev. Mr. Wynch, Colonels Weldon and Drever also did good service. One Musalman boy, heavily covered with jewels, and who, on being got out of the water, seemed to be quite dead, revived after being taken to the hospital, through the able exertions of the medical officers. Many others were taken out more or less hurt, but it is impossible yet to say what the full extent of the loss of life will be. Up to a late hour last evening the river was being dragged, and possibly this morning the result of further dragging will be that we shall have to chronicle the finding of more dead bodies. The accident would never have occurred if the force at the bridge had been strong enough to keep the ground as it should have been kept.'

"After a little the procession moved on quietly to the church, which stands, with its tall, gray steeple, surrounded by the grim walls of Fort St. George. We may mention that the Cooum River at this time of the year is always very low. The Wallajah Bridge crosses it quite close to the sea, within thirty yards of its sandy bar, on which the Madras sea-surf foams and thunders incessantly. At the church the procession assumed its most solemn appearance—the gloom of the old building, the distant booming of minute guns, and the echo, faint yet deep, of the surging crowds outside lending much impressiveness to the scene."

The Madras papers contain many further particulars connected with Lord Hobart's funeral. His death appears

to be widely and deeply regretted by every section of the South Indian community.

*"The Times," May 26th, 1875.*

“THE LATE LORD HOBART.

*"(From a Correspondent.)*

*"Madras, April 30.*

“This has been a sad week for Madras. The Governor, Lord Hobart, who had been received at first with a good deal of coldness, or even hostility, by the European population, had just won the good opinion of the entire community by unflinching hard work and self-sacrifice, when he was suddenly snatched away by typhoid fever after a week's illness. The history of this illness shows what insidious dangers surround us at every step. Lord Hobart rose early, as was his wont, and rode out on Sunday morning, the 18th of April. Returning hot and tired to bathe and dress, he lingered in his bath-room, and indulged in the dangerous luxury of exposing himself to a current of freshly-blowing wind, and, as he afterwards said, felt decidedly chilled. That day and the next he suffered from a slight stomach complaint, but, notwithstanding, he appeared in the hall of the Presidency College on Monday evening, the 19th, to distribute prizes, and fairly electrified the audience by a brilliant speech on the educational questions that are debated in the Presidency. The building, which combines many of the faults of European with none of the beauties of Oriental architecture, was stiflingly hot, and was approached through a corridor the air of which was suffocating. None of the panting and perspiring audience were surprised to see Lord Hobart sink exhausted into his chair. Next day he complained still of uneasiness, and kept his room. The day after slight fever appeared, with dysenteric irritation. Day after day the fever got higher, though the dysentery grew no worse, till on Monday, the 26th, the case presented the typical symptoms of typhoid high fever, with

diarrhœa, and the pulse and temperature kept getting up, till on Tuesday afternoon, the 27th, sudden collapse came on and the patient expired.

“So ended the career of a man who had just conquered the unpopularity with which the European community received him on his arrival, and had shown what he could do for Madras by hard work, good will, and good sense. When Lord Hobart came among the English community, a shy man, of scholarly tastes, and hating all parade and formality, they voted him dull and incapable. But it is not difficult to trace the steps by which he attained to at least as great popularity as any of his predecessors. The natives, indeed, always liked him, both Musalman and Hindoo. He found the Muhammadans in a very depressed condition, sinking in the social scale, and neglecting education and the means of rising. But he had lived in Constantinople, knew and valued a good Musalman, and, without anything but the power of sympathy, put heart into the whole community, and bid them look up. The Hindoos from the first were imbued with the sense that they should receive equal justice at his hands, socially and politically. He devised measures for bringing about a social fusion of the Europeans and natives, who otherwise are as oil and vinegar. The Hindoo and Musalman gentlemen were invited to receptions and *soirées*, and the wives of the few who were not hampered by the absurd custom of *gosha*—i.e., secrecy of women—were welcome likewise. Lady Hobart made parties for the native ladies, and found means of bringing them to the Museum and to picture exhibitions without violating the *gosha*. There is one thing almost too trivial to mention, except that it brought a storm of abuse on the Governor’s head at the time, although now confessed to have been the best thing possible. The Governor always gave a ball on the Queen’s birthday, though, to avoid the heat, it came to be celebrated in December instead of May. All persons employed in public offices were entitled to be invited. As time went on, many Hindoos and Musalmans attained office and came, as of right, with their European brethren. The

Princes of the Muhammadan Royal family and Hindoo grandees were invited likewise. But the Muhammadans and Hindoos would not bring their wives, and crowds of these people, often with servants and retainers, were wont to come to this 'dignity ball,' it was supposed, to amuse themselves by gazing at the dark eyes and scantily-clad shoulders of the European and East Indian ladies. Lord Hobart, like a gentleman and man of sense, put an end to this. He refused to invite men to a ball to which they would not bring their own wives, and confined the ball to Europeans and East Indians only. But to console the others he gave on another evening an entertainment to the whole community, with music and fireworks as gorgeous as possible; with this besides, that not only English clergymen and missionaries were invited, who could not be invited to a ball, but native Christians heretofore unknown in 'society' were hospitably entertained as well. The *status* of the native Christians and their clergy was recognised as it never had been before.

- "Then it soon became known that Lord Hobart was anxious to promote education in every class and grade, and one of the last acts during his office was the establishment of schools for Musalman girls, with the heartiest co-operation of the Princesses of the ex-Royal family of the Carnatic. Many disputes at present exist as to the degree and mode in which popular education should be promoted in this country; some argue for the 'higher,' some for the 'vernacular.' Both are urgently wanted, and Lord Hobart promoted both. In his last speech he said that he desired 'to remedy, without adding to popular burdens, the colossal evil of popular ignorance. I say without adding to popular burdens, because to refrain from impoverishing the people of India is even more important than to educate them.'

"This last sentence contains much of the spirit with which he regarded 'the poor, the industrious, the peace-loving, the law-abiding population, committed to his charge,' for so he described them. He opposed Income tax, Fuel tax, and Salt tax; and he opposed likewise that



inevitable tendency to extravagant public works which afflicts a country such as India, officered by men who, in each collectorate, desire to do something grand. This opposition of his to expensive works may explain his want of popularity in part. But when any public work was proved to be of general utility, he at once set it going. He succeeded, after years of fruitless argument, in obtaining from the General Government of India their sanction to an artificial harbour for the roadstead of Madras, and to a scheme for draining this town of 400,000 people. These great works, debated for years, were set going by the shy, scholarly, and unpopular Lord Hobart, who lived, it was said, in books, and was fit for nothing practical.

"So, when the news of his sudden death came, there was scarcely a dry eye in Madras; and crowds that would have seemed enormous even in London—Hindoo, Musalman, European, civilian, merchant, and official, all alike lamented a benefactor.

"The disease of which he died has acquired a fatal celebrity of late years. It is said there is no evidence in Lord Hobart's case to support the doctrine that it necessarily arises by contagion or infection from a similar case. Why it should attack the head of a very large household, all drinking the same carefully-selected water, and all exposed to the same villainous smells in certain parts of Madras, is a mystery which my medical friends seem unable to decide."

*From "The Times" of May 28th, 1875.*

"SIR,—The notice of the late Lord Hobart's Indian career in *The Times* of to-day will not fail to remind such of your readers as remember him at Trinity College, Oxford, of the promise of his early days. They will not be surprised at the reputation which, without courting it, he has left behind him.

"I have the honour to be, sir,

"Your obedient servant,

"May 26th."

"R. R. W. LINGEN."

May 10th, 1875.

“THE LATE LORD HOBART.

“Second to mastering the question of the ancient irrigation works of the country, Lord Hobart deserves the thanks of Madras for the trouble he took in the matter of the harbour. His Lordship thoroughly understood its importance, and the scheme has lost one of its ablest advocates by Lord Hobart’s death. He was not the man to look at it from any peddling point of view, or to weigh the chances of its paying a half per cent. more or less. Though not disregarding the question of whether the returns from it would be immediate or not, he thought that we ought to look further forward, that we ought to speculate on the chance of making Madras a port on the greatest commercial highway of the world. Lord Hobart had already spent much of his time at another point of this highway—Constantinople. He had taken deep interest in the spread of international communications through the working men’s associations, and other more ordinary courses. He saw that travel was on the increase, and therefore postal, telegraphic, and commercial requirements must be on the increase also. The time was obviously coming for a railway to India by way of Constantinople. But, before that grand idea is accomplished, sections of the whole may be regarded as complete in themselves, as may also supplementary projects. The railway completed to India, Madras, if she has accommodation, must be on the highway to China and Australia. Without any further works than the construction of a harbour she ought to beat Colombo out of the field. All the mails for India and China ought to be landed at Bombay, and the China mails sent through Madras. This would cause great economy in the mail service, beside the saving in time. Should the mails come down the Persian Gulf, instead of the Red Sea, then the China mails would of necessity cross India. Were the railways private property the shareholders would press the change upon the Government at home with irresistible

force. But they are satisfied with the guarantee, and there is no one to perform the task which they leave undone.

“The Madras Harbour must thus be regarded, not as the paltry building that it appears on the plan, but as a portion of a scheme of great grandeur. Then came the question of how it was to be done. That it should be done Lord Hobart determined. The cold water thrown upon the project as it arose in the layman’s mind, and its development in the plans of the engineers by the Government of India, damped not the ardour of our Governor. He penned the despatches with his own hand, exerted all his personal influence, and finally prevailed. The harbour scheme has been sanctioned. As regards the nature of the harbour, doubtless Lord Hobart has been guided and greatly assisted by Colonel Walker; but the credit due to himself is that he came resolutely to a conclusion upon a subject which all his predecessors, for generations, have merely ‘considered.’ We are not aware whether he was much afflicted with the opposing schemes, close harbour or breakwater, or whether the latter had not been completely shelved before his Lordship arrived. The objections to the breakwater are manifold, and if it should prove a failure there would be no remedy. It could not be commenced as a tentative measure, as can a close harbour, not to mention cost. To say the least, every one must believe in the possibility of a close harbour. Indeed, those who have argued against it have assumed that it would be built, and the walls dropped into their places, at once, and forthwith a lot of drift-sand darts from all sides, rushes through the mouth of the harbour, and silts it up. It will, on the other hand, take some time to build, and, in the early stages, would test the truth of the speculations of the over-cautious. One wall will be built to the full distance out, we hope, and then the test will be perfect. There will be another advantage in this mode of construction. If there is any improvement obviously possible in the project it is placing the southern wall farther south, thus enlarging the space inside, at the same time that the agitation in the harbour from the entry of waves

at the mouth would be more widely dissipated, and the water therefore generally smoother. But we are not concerned much now with the engineering details. We feel more pleasure in drawing attention to the fact, that sound reasoning convinced Lord Hobart that it was his duty to push on the harbour scheme to a practical conclusion, and we would sincerely hope, that the thread of his resolutions will be taken up by his successor, and that we may live to see ships riding in still water, or their cargoes quickly and quietly discharged at piers, and the harbour free of noisy masula boatmen. Perhaps we shall see a new opening for the employment of poor whites, first in rowing boats and subsequently as seamen. But we must not foreshadow too bright a picture. It is as dangerous to cast the shadow of uncertain good as it is foolish to cast that of uncertain evil."

The following is from a sermon preached in Ootacamund, by the Bishop of Madras, at St. Thomas's Church :

"We recall with thankfulness those fair and noble features in his character which all would do well to imitate. Diligent in business; thoughtful and judicious; considerate towards all of whatsoever creed, whose chief earthly interests were entrusted to him as God's appointed ruler; unselfish and unassuming; an upholder of what is pure and of good report; he patiently endured the trials of his position, and permitted himself to be turned aside by no hard judgments of men from the pursuit of what he held to be just and right."

Extract from a sermon preached in St. George's Cathedral, by the Rev. G. Warlow :

"It would be out of place to dwell upon the singular gentleness and purity of the private life of our late Governor. . . . Those who knew him best and loved him most have, I believe, always deeply appreciated his domestic

virtues. But though this is a personal matter, I may just lightly touch upon it. . . .

“ . . . The petty jealousies of race and inharmonious interests have for the moment been forgotten, and every artery of public feeling has throbbled with one pulse in sorrowing. . . . But our sympathies should spread over a wider area. There is a national as well as a domestic bereavement. This great province has been suddenly deprived of a devoted, thoughtful, and conscientious ruler. Even men who have differed from him in politics and in views of public action have, nevertheless, freely borne witness to the purity of his motives, the liberality of his spirit, the earnestness of his purpose. That he has devoted himself with a patriotic devotion to the toil of his office and died at the post of duty, none will deny. Such being the case, his death must be regarded as a great public loss, and the millions of people who have thus been deprived of their local ruler and protector make a demand upon our sympathies which we would not seek to evade nor dare to refuse.”

The Rev. C. Drury, after bearing the same testimony, added :

“ I never heard Lord Hobart's opinion on religious questions discussed amongst us ; but judging the tree by its fruits, and not by any shibboleth of party, I regard his many excellent qualities as the outgrowth of religious principle, and the fruit of deep personal piety.”

The following extract was the conclusion of the funeral sermon which was preached by the Rev. D. Strahan at St. Thomé, in the little church which Lord Hobart most frequently attended :

“ IV. ‘ But go thou thy way till the end be, for thou shalt rest, and stand in thy lot at the end of the days.’ These

words were addressed to Daniel. He was of noble descent: illustrious for his righteousness, fidelity, and wisdom. He was one of the three presidents of the empire. He originated reforms and improvements, and was solicitous to live to see them accomplished; but this was not permitted to him—he died in a foreign country. I shall not stop to point out the remarkable parallelisms to this in the career of our late deeply lamented Governor. I would rather direct your attention to one or two traits in him which seem to me well deserving of our consideration. The first to which I shall allude is one not often met with in this age of self-assertion; I mean his utter indifference to applause. Possessed of a vigorous intellect highly cultured, of a ripe and sound judgment, of an evenly balanced mind, of a taste most exquisite for the beautiful, of a lively imagination, he was amply endowed to shine amongst his peers. Wielding a pen now trenchant, now vivacious, always scholarly, he wrote as a statesman and philanthropist. He brought to the duties of his exalted office an energy and industry which even the enervating effects of the climate on a constitution peculiarly susceptible to them could not abate. And yet so unobtrusive was he, that only now these rich endowments are beginning to become known to the public. Another point worthy of notice was the constant sense of religion that pervaded his mind and daily actions. He had examined and formed definite views for himself on some of the vexed questions in theology. That verse in Tennyson was a great favourite with him:

“ Our little systems have their day;  
They have their day, and cease to be:  
They are but broken lights of Thee,  
And Thou, O Lord, art more than they.

“ He rehearsed the articles of his creed by his life. He always rejoiced in contemplating the Fatherhood of God; relying upon His wisdom and His mercy, he regarded every dispensation of Providence as His stroke or gift, and as most certain to turn out, some way or other, for good. Into that inner sanctuary where the soul communed with

its Maker we must not intrude. Nor can we lift the veil which covers up the sacred relationships of home, except to say that humility, forbearance, gentleness, forgiveness were fair graces conspicuous in his life.

“I am, however, permitted to mention one little circumstance that occurred some years ago, when on a visit at his father’s house. He was wont to take long rambles, when one day he was met descending a hill, bearing a large sack upon his shoulders, and followed by a slender girl about twelve years of age. On being asked for an explanation, he said: ‘It is a shame to give such a heavy burden to such a child,’ and, marching bravely on up the village street, he deposited it at the poor mother’s cottage door, and left, all unconscious that he had done a noble deed. For a religion such as his, how fitting and appropriate is the last verse in the Epistle for to-day: ‘Pure religion and undefiled before God and the Father is to visit the fatherless and widows in their affliction, and to keep himself unspotted from the world.’ The little tinkle of our praise cannot reach his ears; but if his gentle, loving, useful life shall touch one heart, and awaken heavenly aspirations in it, then that heart will be a monument more enduring and ennobling than marble canopy or brazen plate.”

The practical weight of Lord Hobart’s administration and personal influence was admitted by all who were in a position to judge of it. The following extracts from private letters, written by Hindoos, Muhammadans, and Englishmen, express this opinion.

*From the DUKE OF ARGYLL.*

“I was much pleased to see the universal tribute paid to Lord Hobart by the press of the Presidency, and especially how he seemed to have won the love of the native population; and well he might, as I am sure no Governor was more devoted to the work of thinking always of everything which could promote the welfare of the people.”

*From SIR WILLIAM ROBINSON, the Senior Member of Council,  
who succeeded as Acting Governor.*

“His heart was heartily with the helpless; he looked at every measure with an eye as to how it would affect them.”

Sir William Robinson told me that in Council he had never seen any appearance of impatience, or want of temper, in spite of great differences of opinion and difficulties in carrying measures for which Lord Hobart was working almost single-handed; and that he never allowed a discourteous or angry expression to remain in the papers and despatches which came before him. Such remarks never escaped him, and were always corrected.

The feeling of the commercial community of Madras is recorded in a letter from the Chamber of Commerce:

“This Chamber feels that in Lord Hobart it has lost a firm ally and supporter; one who took a firm and enlightened interest in the prosperity of the Madras Presidency, and spared himself no toil which might result in advantage to its commerce. His labours have left an enduring record to perpetuate his memory; and it would ill become us, who have admired his talents and respected his virtues, to allow the close of his administration to pass without a recognition of services for which we have so much reason to be grateful.”

Mr. Parkes, who had been consulted as the engineer employed by Government to carry out the works for the Madras Harbour, in a letter about naming a steamer used for the works of the harbour, wrote to a mutual friend:

“Would you ask whether I may take this liberty with a name which I, in common with every one else, wish to see



connected with the Madras Harbour? I hope there will be an opportunity of doing so ultimately in a more permanent and suitable manner; but this is the first opportunity of giving names to anything connected with the works, and I think no other name should take precedence in point of time."

One private friend who had many opportunities of observation, being also a family connexion, wrote :

"I myself always esteemed him as perhaps the *best* man I knew. His wonderful sense of honour, his way of doing what was in his opinion *right* at any cost to himself, his self-devotion to his work, his kindness to all, his humility withal, made in my eyes one of the most beautiful characters I ever met."

In acknowledging a copy of the last speech, Lord Salisbury, who was at the time Secretary of State for India, wrote :

"It was a noble utterance, and worthy close of his career. The feelings it expressed are, I am sure, shared by Lord Northbrook, and by all who have the interests of India at heart. Mistakes have been committed in past times, which it may be difficult entirely to retrace; but the path laid down by Lord Hobart is the right one to follow, and had it been followed from the first would have saved us many embarrassments."

Mr. Macfadyen, who was at the time at the head of the Chamber of Commerce at Madras, wrote to Captain Awdry, who had been Lord Hobart's private secretary :

"More than two years of indefatigable study of all the more important questions connected with the Presidency had placed Lord Hobart in a position to apply the valuable

knowledge acquired in a lifetime of labour to the practical questions of the day, and to deal with them with a mastery that both the public and the press—so slow in this country to recognise merit—had already begun fully to admit. That this career of usefulness should have been curtailed at a point when the promise of results was brightest is a misfortune which I feel sure will be more and more felt as time goes on.”

Lord Napier of Magdala, who had been for a few days during the last year a guest at Government House, Madras, and who was Commander-in-Chief in India at the time, added a valued tribute. In alluding to the speeches, he said :

“They add to the conviction which I felt that the loss of India was a very great one, and that, had it pleased God to prolong Lord Hobart’s labours, they would have fulfilled the promise they have given. The despatch from the Secretary of State which came to me to-day, shows how deeply sensible the Indian Government is of the loss that they have sustained. I hope that Lord Hobart’s successor will fully appreciate and carry on the good work.”

Lord Northbrook wrote :

“Not only have I known and respected his character and abilities for very many years, but his being at the head of the Government of Madras made me feel confident with respect to its administration, especially upon all questions which are affected by feelings of sympathy to the Natives, which he possessed in a remarkable degree and which I have always regarded as a primary qualification for a ruler in this country. We were in accord upon all important questions, and in the very few of minor consequence upon which we differed how loyally and cordially he acted. . . . There is nothing, so far as I know, in our correspondence and communications which could have left any regret behind.

“We sent a few words home to the Secretary of State expressing our opinion of the loss which the Queen has sustained, and of our own feelings of the services which Hobart has rendered in his Government, and this was heartily felt by us all.”

One young officer who held an important post in Madras, wrote also to Captain Awdry: “I shall always remember Lord Hobart’s kindness to me, and my ambition shall be to be like him.”

A chaplain at Madras, the Rev. Henry Pope, in a letter of kind sympathy said:

“I only know of Lord Hobart what all the Presidency knows. He was, in an enervating atmosphere, above all things a real man and a righteous man in aim and action. His countrymen and the populations that he governed have found this out, and as such he will live in their respect.

“As far as he is concerned, though he did not live to the limit of life, yet doubtless he did his life’s work. He lived long enough to do much good, to foster great works, and to leave his mark on a celebrated country.”

*From the late MAHARAJAH OF TRAVANCORE.*

“The magnitude of the loss to the people under His Excellency’s Government by this lamentable event cannot be adequately estimated, and it will generally be regarded as a heavy calamity that the Presidency has so soon been deprived of the beneficent rule of a statesman of such enlightened and liberal views as Lord Hobart, and the advantage of the warm and unceasing interest he displayed in its welfare.”

*From a Muhammadan Lady.*

“To ———.

“After salutation may it be known to you that on hearing of the late heart-rending and life-melting news of

the death of H. E. Lord Hobart, my heart, and that of the whole Muhammadan community, was consumed on fire of grief, and God's hand has sown the black dress of mourning upon all the people of Madras. All the people of the city consider the death of such a just protector and cherisher of the poor as their unlucky destiny, and they say that if they were to mourn for his lordship for the whole of their days it is but proper.

"It is well known to you that the world is not eternal, every one must taste the sherbet of death, except God, who can remain for ever. We all pray that God may give the blessing of patience."

*From a Native Friend in a High Position.*

"The present circumstances of India forcibly indicate the great need for improving the condition of the poor, and educating them throughout the land; but the people are labouring under a very heavy burden of imposition of all kinds—local or rural, municipal and superior taxes, heavy import, export, and stamp duties, salt excise, and land assessment, etc., etc., that go to make up the public revenue—and, in fact, the matter of taxation has reached to such a high point that any further enhancement, for whatever good object the same may be intended, would be anything but a wise policy."

Thanking for a copy of Lord Hobart's speeches which had been sent, the writer adds :

"The last speech no doubt contains the best words ever spoken to this Presidency; still, the first is not less than the other, because the glorious thoughts, tempered with truthful policy, expressed therein are also of such a nature that every Englishman should be proud of; and not only Englishmen, but every right-thinking and God-fearing individual on the face of the globe should look at them in the same light; and such words are never uttered without a spark in the heart from Heaven's light."

From H. H. THE MAHARAJAH OF VIZIANAGRAM, K.C.S.I.

“ VIZIANAGRAM PALACE, 9th July, 1875.

“ On any occasion on which it may be in my power to further even in the most minute particular one of the least of his late Excellency’s wishes, I will always carry them out with every care and attention.

“ Whenever I initiate, or contribute to any educational or other work for the good of the people in Vizianagar, or elsewhere, it will serve me as a memorial of one who lived but for others, and sacrificed himself in his efforts for their good.

“ Encouraged by such an example I shall endeavour to promote the cause of education whenever opportunity for so doing occurs. I will always do my best in support of the policy inaugurated by His Excellency Lord Hobart. I hope my conduct and behaviour will always prove worthy of the kindness shown me by him.”

*Extract from an Address to LADY HOBART from Hindoos at Trichinopoly, dated May 22nd, 1875.*

“ His Excellency was just the sort of Governor we wanted. The exemption from the Local Fund House Tax, from the Municipal Professional Tax, and from the contemplated increase to the price of salt, are indeed very great boons conferred upon the people by His Excellency, and the people are sensible that they cannot be sufficiently grateful to him for these kindnesses. These doings were the greatest assurance to the people that his Lordship was fully alive to the fact of the subjects being pressed heavily with taxes, and that he strove hard, in the most earnest manner, in devising schemes to relieve them to the fullest possible extent, consistently, of course, to the increased expenditure devolving on the State from the progress of civilisation. The fact of his Lordship having shown so much consideration for the subjects cannot be forgotten for several years to come. . . .

“ How most deplorable and sad it is, at this state of

things, that the benevolent Lord should be lost to our country. . . . .

“God, in His infinite wisdom, thought it proper to cut short the benefits this Presidency expected from His Excellency’s hands. . . . .

“It was His will, and we have no other alternative but to submit to that will, with whatever painful feelings it may be.”

*Extract from a speech made by the MARQUIS OF RIPON, in reply to an address from the Madras Municipality, upon landing in Madras, which he visited as Viceroy, on January 31st, 1884:*

“. . . . For me, personally, the City of Madras and the Madras Presidency have a close and peculiar interest, because my grandfather, the first of the two Lord Hobarts who have been Governors of this Presidency, was here, as you know, ruling this district for several years, and it was here, in Madras, that my mother was born; and amongst the earliest recollections of her childhood were those connected with India. Since then, my relative, the second Lord Hobart, has also ruled this Presidency with success. He was not only my relative but my intimate friend, and to visit this place, in which he laid down his life in the service of India and of his country, has for me a deep, though it be a painful interest.”

The selections given in the Appendix will prove to my nephews how fully it was recognised that the measures of their uncle’s government in India were guarded by the true and tender heart of a brave, a wise, a practical, and an able helmsman. They also know that this has been realised in private life by one and all.

Friends, this frail bark of ours when sorely tried  
May wreck itself.

\* \* \* \* \*

I can but trust that good shall fall,  
At last—far off—at last to all,  
And every winter change to spring.

These pages cannot appear without some tribute to one whose life has just closed in India. He had been Lord Hobart's Military Secretary, and afterwards Private Secretary, and was his constant comfort during the three years in Madras. Ambrose Awdry was found unfailing in every emergency, his powers of organisation grasped every detail in the necessary arrangements for his daily duties. His life was an expression of the firmest, sweetest, and simplest faith in Christianity; always gentle, courteous, really kind, calm, cheerful, and ready, strong in truth, with unlimited perseverance and unaffected humility, unselfish and affectionate to no ordinary degree. He was universally beloved and respected. He had entered the Royal Engineers, having won the Gold Medal at Chatham, and he ever maintained this high promise in his profession when not employed on a staff appointment. The present Governor of Madras had learnt to value Major Awdry during his visit to India in 1875, and had appointed him Private Secretary. He was again fulfilling the duties of the post with recognised success. A fall from his horse left fatal injuries, and that ~~loved spirit~~ has left us to trust

Transplanted human<sup>y</sup> worth  
Will bloom ~~in~~ <sup>to</sup> profit other~~where~~.